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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

15° VICTORIÆ, 1852.

VOL. CXX.

COMPRISING THE PERIOD FROM

THE TWENTY-THIRD DAY OF MARCH,

TO

THE TWENTY-NINTH DAY OF APRIL, 1852.

Second Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1852, IN THE FIFTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, March 23, 1852.

MINUTES.] PUBLIC BILL. — 2ª Law of Wills Amendment.

LAW OF WILLS AMENDMENT BILL.

ORDER of the Day for Second Reading, read.

The LORD CHANCELLOR: My Lords, I rise to move the Second Reading of a Bill for the Amendment of the Law with respect to Wills. When I introduced this Bill the other night, I stated to your Lordships the difficulties which it was intended to guard against. By a statute passed in the reign of Charles II., all devises in writing were to be attested and subscribed by three or four witnesses, in the presence of the testator; and it was said that a will was good if the name of the testator was found at the head of the will; and therefore, if a man, for example, began in these terms—"I, John Styles, do make this my will," that was held to be a sufficient signature. Now, my Lords, this was thought to be an abuse; and, in order to guard against such an abuse, a new Act of Parliament was passed in the first year of Her present Majesty, for the amendment of the law of wills, which provided that every will should be signed at the foot or end thereof by the testator, in the presence of certain witnesses. I have stated to your Lordships that the effect of that enactment was (and I dare say it was a surprise upon those who framed the Act) that, unless the name of the testator followed immediately after the disposition of the will (if there was, for example, a little more than an inch of space left, on which the name might have been introduced), if the name was placed a little lower, the case was tried, not by the rule of law, but rather by the rule of space, and the will was held to be void; and, upon that construction, my Lords, hundreds of wills have been held to be invalid, and misery and wretchedness have found their way to hearths where wealth, peace, and comfort ought to have found their habitation. My Lords, the proposition is to amend the present law, by providing, that, where the name of the testator is found after the will, so as to give, by its place and situation, a sanction to the will itself —so as to show that it was intended to sanction the will by the signature after the will—that shall be held to be valid. Now, my Lords, no question ever arose in the vast number of wills which were made after the Statute of Frauds in the reign of Charles II., which I have mentioned—no question, I say, ever arose as to whether the name of the testator being after the will was in its proper place or not, and therefore the removal of the obstacle which has been occasioned by the decisions will remove all the difficulties, and no question hereafter can arise, as it appears to me, my Lords, with regard to the execution of such a will. My Lords, I believe there will be a general concurrence in this measure, and I believe that nothing can be more desirable, as people die daily, and as men must make their wills, and as a great majority of wills would be held to be valid but for the rule of law I have referred to; and, indeed, I know that many of your Lordships, in consequence of what you have heard, have done exactly what I have done myself—namely, I have looked at my own will to see whether it was executed so as to carry my own intentions into effect, having a very great doubt in my mind whether the appearance of the thing upon paper might not invalidate it, for I might have put my name a little lower than the rule of law required. And I think, my Lords, that it is of the utmost importance that a man's will should be considered valid and sacred where the mere form only is in question, and the substance is not in dispute. Therefore I propose, with your Lordships' permission, to carry the Bill through all its stages now, so that your Lordships may be enabled to pass the measure before Easter, and send it down to the other House immediately. My Lords, there are other points which I have endeavoured to cope with, and which may be open to more observation, and which may draw from some of my noble and learned Friends objections to its passing without more mature consideration; and, my Lords, if that should be so, I can only say that I should at once feel myself bound to withdraw those clauses, because I mean to put forward nothing that, in my opinion, will endanger the principal measure, which is one which I think so exceedingly important. My Lords, the two clauses

to which I refer, will, I think, remedy a very great abuse. The Act of Parliament of Her present Majesty, as I have told your Lordships, requires a will to be signed at the foot or end thereof, in the presence of two witnesses. That, my Lords, I have disposed of. It then goes on to require that the signature of the testator shall be made or acknowledged in the presence of the witnesses. Now, my Lords, this difficulty has arisen upon that—it was not required by the Statute of Frauds—but this difficulty has now arisen. Your Lordships will bear in mind that what the Act requires is, that the signature of the testator shall be made or acknowledged in the presence of the witnesses. Now, my Lords, it often happens that when a man has made his will and called in the witnesses to attest it, he is anxious that they should not see any part of the provisions of that will: suppose, for example, that it is written on a sheet of letter paper—you have it before you, and two servants, perhaps, come into the room to witness the will, and the testator desires that they should not read any portion of the will by glancing over that part which is above the signature, and that has induced a man frequently to fold down the will so as to hide from the witnesses the portion above the signature, and in doing so he has folded down the signature itself. And, my Lords, it has been held that as the statute requires that the signature, not the will, should be made and acknowledged in the presence of the witnesses, unless they have seen the signature, the will is void. Now, my Lords, that was never the intention; and with your Lordships' permission, I propose to amend that state of the law in this manner, by enacting that if the signature of the testator be in its proper place, and it is not proved to have been placed there after the witnesses affixed their signatures, and if the testator at the time acknowledged the instrument to be his will, that that shall be sufficient. Now, my Lords, I entertained a hope—which hope I have rather abandoned within the last quarter of an hour—but I had hoped that this proposition was free from objection, and would meet with none from any of my noble and learned Friends, because, if a testator acknowledges an instrument to be his will, and if the will come to be examined, and the name of the testator is found to be in its proper place at the end of the will, where is the danger? What is it, my Lords, that you have to guard against?

There is the signature—the testator has signed it, and, properly speaking, it is not his will unless he has signed it. If, therefore, he did that which was requisite at the end of it, which is necessary to give effectual operation to it, I ask your Lordships whether it is reasonable to allow men's wills to be set aside upon a distinction of that sort? I should promise your Lordships that if any obstacle be opposed by any of my noble and learned Friends to this provision being carried now—a provision which I should think it not proper to attempt to force upon your Lordships—if any of my noble and learned Friends should have any objection to offer, I shall think it highly improper to attempt to ask your Lordships to pass this provision without full consideration being given to it; and, therefore, I shall withdraw it, so as not to endanger the ultimate success of the whole measure, though undoubtedly I shall introduce it for further and more mature consideration upon another occasion. My Lords, there is another improvement, if your Lordships should think proper to concur in it, that I propose to introduce. The statute requires that the witnesses should sign in the presence of the testator. And, my Lords, it has very often happened, that when a man is making his will *in extremis*—when he is lying in bed, and is incapable of being moved, but in a state of perfect capacity of mind—it has frequently happened that witnesses who have come round the bedside, and witnessed the execution of the will, and seen it signed by the testator, all due solemnities being observed, in order not to disturb him, have retired to the adjoining room, and there attested the will; and then the question has arisen—Is that, or not, a compliance with the statute, which requires that a will shall be signed by the witnesses in the presence of the testator? Now, my Lords, in order to meet the difficulties of the case—with a natural desire to give effect to men's wills, where there is no fraud, and where the statute has been substantially complied with—the Courts have made this distinction, that if the witnesses sign in such a position in an adjoining room that they are within the line of sight, so that the testator, if he liked, might see them (although nobody pretends that he did see them), the will is good; but if they happen to retire a little beyond the line of sight, the table, for example, being out of view, and they all sign the will, the will is void. Now, my Lords, what has been the consequence? Why, my Lords, this—that juries have not been found who would, though upon their oaths, find a will so signed to be void. They would not find a will to be void, though it was clear that the testator was not in a position in which he could have seen the witnesses sign. And, my Lords, we have had several instances of this sort. Several trials have been sent down to juries once, twice, and thrice, to decide that question upon a will, in cases in which there was no doubt about the fact that the witnesses were not within the line of sight; and the juries have, upon every occasion, returned a verdict in favour of the will, refusing obedience to the law, because they thought that a verdict according to the rule of law would be stripping the rightful owners of their just possessions. Now this is an invitation which should not be held out to juries to compel them to come to a verdict at variance with their own conscience. My Lords, there is undoubtedly a difficulty, and I will state to your Lordships what one of the results of this state of things is, and which is really almost absurd and almost ludicrous. The statute applies to a blind man's will as well as to the will of a man who is possessed of his eyesight; and it has been held, therefore, that under the statute, although the witnesses are to sign in the presence of the testator, yet if they sign in the presence of a blind man that it is a good signature. But your Lordships will be astonished when I tell you that the Courts have made this rule, namely, that the same rule—that which I have spoken of to your Lordships as to the line of sight—applies as well to a blind man as to a man that can see; and the Courts have decided that if a blind man is not in a position in which, if he was blessed with sight, he could see, his will is void. And so, in the case of a man being wholly incapable of seeing, if the witnesses are there, his will is good if they happen to sign within the line of sight. Now, my Lords, surely these are anomalies in the law of England which ought not to be allowed to prevail; and I must say that the first case that I put to your Lordships, in which men wills have been held to be void because the signature was not in the proper place, is a case which in its operation is a disgrace to the country. My Lords, it is very easy to point out what I have been stating to your Lordships upon the last head. It will not be, perhaps, so easy to persuade some of my noble and learned Friends that I have provided a satisfactory remedy, although I have often and anxiously taken the subject into consideration. But, my Lords, this no hasty conclusion of mine. I have no doubt some of my noble and learned Friends will think that I have not provided in the most satisfactory manner for the solution of this question; but what I propose to provide for is this, that where witnesses, without fraud, and as part of the same transaction, without quitting the house or place where the will is signed, do sign a will after seeing the testator sign it, all due solemnities being observed, that shall be held to be a valid will. Now, my Lords, no doubt it may be said that this would open a door to some fraud or some substitution of one will for another. My Lords, these are not the dangers, after all, which we have to avoid. It may be said, that because the dangers have not occurred, the law has prevented them. But the law has not struck at fraud; the law has destroyed a man's will which was open to no substantial objection: but the law has not prevented the frauds which, whenever the parties had been determined to carry them into execution, they have been able to do in spite of the law. I do not say that they have all been successful—they have attempted it skilfully, and it may be successfully in some cases, and they have taken care to adhere to all those rules which would destroy men's wills, in attempting to impose the solemnities required. Now, my Lords, I must state in conclusion that if any of my noble and learned Friends object to either of these two clauses, I will not retain them. But if I should have the concurrence of my noble and learned Friends to the first clause, which I expect, I shall be very well content. If not, I shall listen with respectful attention to what they have to suggest. But, my Lords, I cannot promise that I shall not, upon a future occasion, bring into your Lordships' House a measure founded upon these propositions, which may be then more fully considered. And, as I am addressing your Lordships upon the subject, and speaking of future measures, I would draw your Lordships' attention to a measure as to wills which may require the attention of this and the other House of Parliament. The statute of the first of Queen Victoria for the first time imposed the same solemnities upon the disposition of personal estate as in the time of Charles II., with variations, were imposed upon the disposition of real estate; and it was said, how absurd is it that you cannot dispose of half an acre of land without three witnesses, and yet you may dispose of 100,000*l.* of personal estate without any witnesses. Yet people do not desire every day to alter the testamentary disposition of their real estate, but they make variations in the disposition of their personal estate by codicil and by legacy to be payable out of their personal estate, however large it may be; but no man can make the slightest alteration in his will: he cannot give 5*l.*, nor alter a legacy, without calling in two witnesses. It was said of no ordinary man that he had ten thousand freaks which died in thinking. I might say with equal truth that owing to the difficulties which the law throws around them, many ten thousand legacies have died in thinking. These are points, however, which we must consider hereafter. The noble and learned Lord then moved that the Bill be now read 2ª.

LORD BROUGHAM had no objection to give the Bill a second reading. He entirely approved of the course suggested by the noble Lord on the woolsack, of striking out, for the present at least, all but the first clause, and agreed with him that at all events that clause should be passed. If there were any difficulty, it was not so much with the second as with the third clause; but with reference to those two propositions, he desired further discussion. As to the case about which there were two or three trials, he supposed the noble Lord meant that of the late Duke of Roxburgh's will. He (Lord Brougham) was counsel at the trials, and the question was, whether the signatures of the witnesses were affixed within the line of sight. His Grace died in the house in St. James's Square; before his death he lay in a room next the drawing-room; the will was signed by him, and then taken into the drawing-room to be attested. The whole matter turned upon whether the witnesses signed upon a table between two windows, or upon a table in the centre of the room. If it had been signed upon the table between the two windows, it would have been, by the rule of law, in the presence of the testator; but if upon the centre table, it would not have been, by the same rule, in the presence of the testator, the wall intervening. Of course great consequences followed the distinction made by the rule; but serious consequences were apt to follow almost all rules laid down. The business of the lawgiver was not to avoid laying down rules, but was so to frame the rules that the minimum of contradiction and anomaly should be involved.

Lord **CRANWORTH** expressed himself in favour of the principle of the Bill, but thought that some of the evils of which his noble Friend on the woolsack had complained, arose rather from wrong decisions of the Judges, than from the imperfections of the law. These evils, however, required remedy, whatever might be their cause; and he should therefore not oppose the second reading of the Bill.

The Earl of **ELLENBOROUGH** thought that his noble and learned Friend on the woolsack was perfectly justified in introducing this Bill; but should have been better satisfied had he consolidated all the statutory provisions relating to wills into one general measure,

Bill read 2^a.

COMMERCE WITH RIO DE LA PLATA.

Lord **BEAUMONT** said, that the subject to which he wished to draw the attention of their Lordships, and on which he rose to ask a question, though of great importance in a commercial country like this, was not one likely to possess any general interest for their Lordships. It had often been his lot to bring this question before their Lordships—and it had also been brought before them by the noble Earl behind him (the Earl of Harrowby), and by several other of their Lordships; but on all former occasions the principal points raised had been the conduct of some diplomatic agent or naval officer in the Rio Plata, and the merits or demerits of the policy which such diplomatic agent or naval officer had pursued. He should not on this occasion criticise the conduct of any of our officers, or the policy adopted by our different Administrations, though he might have occasion to refer to certain transactions in the Rio Plata, and to the great contrast in the instructions sent out to our agents by the different Governments of this country. He wanted on this occasion to obtain information as to the present position of affairs in that part of the world, and to impress upon Her Majesty's Ministers the necessity of observing the operations there, and of not letting the present opportunity pass by without attempting by negotiation to do that which he thought was the only legitimate object we ought to have in view—to establish peace in that quarter of the globe, in order that commerce and the arts attendant upon peace might hereafter flourish there. The countries watered by the tributary rivers of the Plate opened a large field for the enterprise of European commerce, and possessed means of communication almost unrivalled in the world. These physical advantages had hitherto been turned to no account. Foreign vessels seldom ploughed the waters of the Parana and Paraguay, nor were busy marts of trade to be found upon their banks. Every one of their Lordships must have observed that, while on the northern part of the great American continent there was an active and energetic race, who were advancing with such rapidity in civilisation and power as to seem destined to form the first nation and the finest people in the world, there was in the southern part of it another race, which was always lagging behind—which made no advance in improvement or civilisation, or which, if it did make any advance, made it at a snail's pace—which, being the descendants of Spanish and Portuguese settlers, were far behind the descendants of the Anglo-Saxon race in all the arts and sciences; and which was moping in ignorance and grovelling in superstition, notwithstanding the neighbourhood of more enlightened countries. He attributed this, in a great degree, to the bad propensity of their Governments to exclude them from all intercourse with Europeans; that was the marked and most unfortunate policy of all the countries watered by the vast rivers which would otherwise be the arteries through which trade and civilisation would flow into the interior of South America. But now as freedom of action amongst the States forming the Argentine Confederation, which from a federal republic had fallen into an absolute despotism, had been restored, a new turn seemed to have taken place in its affairs, a new page seemed to have been opened in its history, and an opportunity was afforded for the powerful maritime nations of Europe to interfere, with just reason and right, to induce that republic by negotiation to adopt a new line of policy, and to bestow thereby an invaluable boon not only upon the rest of the world, but also upon all the numerous nations of that part of the world. He was especially anxious to state to their Lordships the reasons on which he thought that this opportunity had now arrived, and that if it were not seized instantaneously it would rapidly pass by. He believed that an intention was entertained in that part of the world to exclude our commerce from it by more stringent regulations than any which had hitherto been adopted, and that a new line of policy was to be followed up there which would be extremely injurious, not only to ourselves as a commercial nation, but to other commercial nations also, and more especially to the country itself. Their Lordships were all aware that after the war which broke out beween Brazil and Buenos Ayres in the year 1828, a treaty between those two countries was signed and ratified under the mediation of the British Government—a treaty by which the Banda Oriental, of which Montevideo was the capital, was declared an independent country and republic. Their Lordships must not lose sight of this point throughout this discussion, that this district was declared to be totally independent. Hitherto, whatever party had been in power in Great Britain, their common object had been to insist on the complete independence of the Banda Oriental, with regard both to Buenos Ayres the capital of the Argentine Confederation, and Brazils, the other party to the treaty. We negotiated with the Republic of Uruguay, as the Banda Oriental or Monte Videan territory is called, as with an independent Power. The treaty of which he had just been speaking, and to which we were not parties, but only mediating Powers, was signed in 1828. In the year 1838 war existed between France and Buenos Ayres. During the period of that war, France wished, and used, to avail herself of the independent country of Montevideo as a basis of its operations of war against Buenos Ayres. General Oribe was at that time President of Montevideo, and objected to that country being made use of against Buenos Ayres in that way by France. A revolution then took place in Montevideo; he need not say how General Oribe was driven out, and General Ribeira was appointed President in his place. Ribeira joined the French in their operations, and an invasion of the territory of Buenos Ayres took place under General Lavalle, assisted by Ribeira. Previously, and also subsequently, to that time, there were two violent parties in the Argentine Confederation, known by the respective titles of Unitarians and Federalists; and so hostile were they to each other, that not one of the proclamations of General Rosas was to be found which was not headed with the words—"Death to the savage Unitarians!" General Rosas, who had made himself, in 1828, President of Buenos Ayres, belonged to the Federalist party, and was, of course, opposed to the Unitarians. There was no doubt that many Unitarians from Buenos Ayres went over to Montevideo, and there carried on hostilities against Buenos Ayres. After the French had concluded a peace with Rosas, Ribeira continued the war, and invaded part of the Argentine Confederation. Rosas availed himself of the services of General Oribe, placed him at the head of an army in Buenos Ayres, and sent him at the head of that army, to meet Ribeira. They met, and Ribeira was routed. Oribe continued to press on the Banda Oriental, and claimed to be its legitimate President, raised the whole country of Uruguay, and surrounded and besieged the town of Montevideo. Then it was thought necessary that we should interfere. Mr. Mandeville had attempted a mediation as early as 1841, and had been blamed by his Government for having exceeded his orders. He was recalled. We sent out Mr. Gore Ouseley as the successor of Mr. Mandeville, whose interference had not been approved of. Mr. Gore Ouseley's negotiation, however, did not gain the results anticipated. The French Government sent out a negotiator also, Baron Deffaudis. They went together to Buenos Ayres, but could not persuade General Rosas to adopt any terms of peace. They then went to Montevideo, which at the time was engaged in strong hostilities against Buenos Ayres, and not only encouraged the Monte Videans to resist Oribe, but sent an English squadron to blockade Buenos Ayres. An English force was also landed to defend Montevideo. In spite of all this, Generals Rosas and Oribe held their footing, and the latter pressed Montevideo very hard. Mr. Gore Ouseley again proposed terms of accommodation, to which General Rosas would not accede. Mr. Hood was then sent out, but after long fruitless negotiations with Rosas, he came away *re infecta.* Lord Howden then went out as our mediator, and with him went, on behalf of France, a distinguished personage, who was now the Ambassador from France to this country. After a short time, though the intervention was a joint intervention, Lord Howden thought it expedient to break up the blockade: and from that day our interference ceased, and Buenos Ayres and Montevideo were left to fight out their quarrel as they liked. They did so; and from that time the joint intervention of England and France was at an end. The state of things continued as before; one Minister after another was sent out, first Mr. Robert Gore, then Mr. Hood, and finally Mr. Sotheron. Mr. Sotheron was the only Minister who had any success; but it was doubtful whether even he had the success which he desired. After all these failures which he had enumerated, a treaty was agreed upon between General Rosas and this country. That treaty was to acknowledge the independence of Montevideo, and to induce Rosas to withdraw his forces from the vicinity of that town, which, however, he seemed very loth to do, though he acknowledged the independence of the republic. Nevertheless, in all those negotiations which he had alluded to, and in the treaty finally obtained by Mr. Sotheron, though the object was to open the navigation of the tributaries of the Rio Plata, and though in one instance we had opened the navigation of the Parana by force, Rosas would on no account consent to throw open the navigation of the rivers within the Argentine territory, and opening into the Rio Plata, so as to enable the merchandise of Bolivia and Paraguay, and the provinces higher up on those great rivers to have free passage to our shores. Mr. Hood proposed to consider the navigation of the Parana and the Paraguay as an interior navigation, and subject to the laws of the Argentine Confederation; but so suspicious was Rosas on that point, that he refused to accede to their words, and dictated new words of his own; and the consequence of his doing so was, that the negotiations failed, and no attempt had been made to renew them. When affairs came to this point, it was supposed that there was an end to our interference. We had gained no advantage in a point of commercial value, although we had compelled Rosas to act up to the treaty of 1828, and acknowledge the independence of Montevideo. After that arrived the circumstance which had altogether changed our relations with that country, and which had opened to us an opportunity of making new relations with that country. After we had withdrawn from the River Plate, and after Rosas had withdrawn his troops from Montevideo, Brazil interfered, and made several treaties—he believed four or five. [The Earl of MALMESBURY: Six.] He hoped that they would all be communicated to the House. Brazil, he said, interfered, first, by making treaties of commerce, and afterwards by urging the Government of Corrientes to raise the flag of rebellion. This movement was joined by the remains of the Oriental forces, and was supported by the Brazilian fleet, very much as the Montevideans were supported by the British fleet on a former occasion. This insurrection under the leadership of General Urquiza was speedily successful. General Urquiza rapidly advanced against the army of Rosas, and, having driven his troops out of Corrientes, Entrerios, and across the Parana, fought the important general action at Santos Lugares, in which Rosas was utterly defeated. Immediately after that event, Rosas was abandoned by the whole of his followers, and was obliged to fly with his daughter on board Her Majesty's ship *Locust.* Urquiza proceeded on his march up the country; and, as he (Lord Beaumont) was informed, on the authority of recent letters, at this moment not only the Argentine flag, but the flag of Brazil, was floating over Buenos Ayres. He had seen one letter which stated that circumstance distinctly. It was further natural to expect that Brazil, having assisted Urquiza, would, in this state of affairs, demand from him full rewards and return for the services rendered to him. As part of these, it was stated that the island of Martin Garcia, the Gibraltar of the Parana, was to be surrendered to Brazil. He wished to ask if it was true also that a large portion of the Banda Oriental had been ceded to Brazil. It was to obtain exact information as to the position of the Brazils, as to the state of the Argentine Confederation, and as to the independence of the republic of Uruguay, he asked these questions. The independence of Uruguay was settled by treaty; and he was anxious to know in what condition it was at present? He also wished to know who was to be considered the authority of the Confederation, and if General Urquiza, the President of Corrientes and Entrerios, was to be considered in that capacity? Having obtained that information, he would merely urge on Government not to lose one moment in entering upon negotiations with the countries watered by the Parana and Paraguay, and the Uruguay, for the purpose of establishing a free navigation, and for securing the independence not only of the Argentine

Confederation, but of Bolivia, Paraguay, and the Banda Oriental.

The EARL of MALMESBURY was sure their Lordships did not expect him to go into the history of past events in all those countries to which his noble Friend had referred, and which had occupied so many years; but at all events it was unnecessary for him, after the detailed account which the noble Lord had given of transactions in South America, to refer to them at any length. He would observe, however, that it was not very likely that any Government in which Her Majesty placed confidence would neglect so important a subject, as not to see the vast importance of the changes which had taken place, and the immediate necessity of active measures to secure the advantages which might be reaped from them. But it was a subject which had occupied the attention of public men of this country for many years; and even so long ago as the year 1806, when Sir Home Popham made his attack upon Buenos Ayres, and had to defend his conduct before a court-martial, he wrote a letter, which is still extant, in which he directed attention to the vast importance of the territories on the River Plate, with respect to the commerce of Great Britain. All that remained for him, after the sketch given by the noble Lord on the late and present state of affairs in these countries, was to state, with reference to the condition, the political state, the geographical position, and the requirements of those territories, that the upper and more remote districts of Bolivia, and those into which the country bordering on the Paraguay was divided, had long desired to have an unbroken communication with the Atlantic, and, across the ocean, with this country; also that the independence of the Republics of Paraguay and Uruguay, which had been recognised by treaty, appeared to them of the utmost importance to have established on a secure basis. The independent Republic of Paraguay, which we had not yet acknowledged, but which he thought we ought to do as soon as possible—and which appeared to be governed at this moment by a man who appeared to be very much in advance of his race, had agreed to accept commercial relations with this conntry. He might add that when Sir Charles Hotham went up the Parana, he had communications with the chief of the country, Lopez, which confirmed the existence of the desire for unrestricted communication with the ocean on the part of those States; and in any negotiation which might ensue between this country and those States, whether with respect to commercial relations or other matters, it was a source of satisfaction to know that such a disposition existed on their part. Further, when he considered the immense advantages England and other European countries trading with the River Plate would derive from availing themselves of the facilities presented by the geographical position of those territories, there was hardly a nation in Europe which would not take the same view as the noble Lord and as the Government of this country took on the subject. He need not say that they fully appreciated the importance of the matter, and the value of the present opportunity to benefit generally the commercial interests not only of this country, but of mankind at large. With respect to the question of the noble Lord on the political state of the country at the present moment, he had to state that the Government had received no account, either official or private, except of the battle in which Rosas had been defeated, after which it was stated he had fled for refuge to one of our ships; neither had they any intelligence that the Brazilian flag was flying together with that of the Argentine Confederation at Buenos Ayres. They had no account, official or private, as to any part of the Banda Oriental, or the island of Martin Garcia, having been given up to Brazil; but they had certain reasons for believing that the island retained the neutral character which had been imparted to it by the last treaty between those territories and Brazil. With respect to the conduct of Her Majesty's Government in the circumstances which had lately arisen; it was simply this:—Within twenty-four hours of their receiving the news of the defeat of Rosas, he (the Earl of Malmesbury) had put himself in communication with the Government of the French Republic, inviting that Government to join us in renewing negotiations with those States, for the purpose of contributing to the commercial interests of both nations and of Europe generally. Further than that he could not, and he thought their Lordships would not expect him in his answer to go into any details of any scheme of policy which the Government were framing, or might frame, with a view to the opening of the Rio de la Plata.

He would, therefore, again state that Her Majesty's Government fully appreciated the opportunity which had now offered, and would take the best advantage of it.

The EARL of ABERDEEN said, he had frequently turned his attention to the subject which the noble Lord had brought before the House, and he could not help taking that opportunity of expressing his great satisfaction at the determination come to by Her Majesty's Government in this matter. The main object of the interference of this country was now only fully obtained—and that was the entire independence of the Oriental Republic. That was our only indispensable object, though there were others which were collateral and subsidiary to it. The republic was not really independent after the last treaty with Rosas in 1849; for, though its independence was recognised in terms, the army of Rosas was left in the Oriental territory in a position to press hostilities against it; and, had it not been for the intervention of Brazil and the rebellion (as the noble Lord called it) of Entrerios against Rosas, it would have been very possible that army would have succeeded in obtaining possession of Montevideo. That town, after a protracted and most heroic defence, assisted certainly at its earliest period by this country and by foreigners in maintaining that independence which the treaty of 1828 had obtained for it, had now, he hoped, been brought to a state in which its long sacrifices would be rewarded. He was most happy to hear from the noble Earl that the first thing he had done had been to propose to renew with the French Government those negotiations which had been stopped by the treaty separately concluded with Rosas on one part—a proceeding which at the time he (the Earl of Aberdeen) had taken the liberty of saying he could not see any full justification for adopting, and which the French Government might have to a certain degree resented, as indeed they did. He would take that opportunity of stating that nothing could exceed the perfect cordiality and good faith with which the French Government had acted throughout the whole transaction; and, as far as he had been able to understand, the Government of the French Republic had acted with the same good faith as the Government of the French Monarchy. In arranging this co-operation and concert with the French Government, he trusted the noble Earl opposite would proceed in the same manner as he had hitherto done, till the effect in view had been produced. It was difficult to say what might happen in a commercial point of view from a free access to the rivers of South America; but no doubt this was a golden opportunity for seeing what might be done, and he was happy the noble Earl had not neglected it. It was very easy to declare the navigation of a river free; but much remained to be done after such a declaration. The separate interests of the States bordering on these rivers must all be consulted. For instance, he recollected that in 1814 the navigation of the Rhine was declared by the Great Powers of Europe to be free; but it took twenty years to regulate the conditions on which the navigation should take place. Now, he hoped the States on the borders of these great rivers in South America were animated by the feeling and knowledge of their own interest, and were prepared to encourage European Powers to free intercourse. That was not the case with Rosas; but he trusted and believed such a result had now taken place. We had practically at this moment the free navigation of the Uruguay, although not under any treaty, which was the western boundary of the Oriental Republic, the people of which had shown the utmost liberality in commercial matters; and he trusted the Argentine Confederation might share in the wise and salutary principle of the Eastern Republic. He would abstain from entering upon the specific objects of our negotiations—no doubt, the Government were impressed with the great importance of those objects, and he was disposed to give them credit for following them with the greatest assiduity. He hoped he might not be considered guilty of the vanity of authorship, if he remarked before he sat down, that he happened lately to look at the intructions (which he had not seen since he drew them up seven years ago, in 1845), and, so far as he was a judge of them, notwithstanding the various events which had occurred in the interval, there was not one word of them he should desire to alter at this moment.

The EARL of HARROWBY was understood to make some observations on the conduct of Lord Palmerston when Foreign Secretary in relation to the affairs of the River Plate; which Lord STANLEY OF ALDERLEY defended: but the discussion was very imperfectly heard.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 23, 1852.

MINUTES.] NEW MEMBER SWORN. — For East Retford, Right Hon. Viscount Galway.

PUBLIC BILLS.—1° Apprehension of Deserters from Foreign Ships; Parish Constables; Building of Churches, &c.

3° Consolidated Fund (8,000,000*l.*)

THE HOP DUTY.

MR. FREWEN, after presenting a large number of petitions from Sussex and the Weald of Kent, praying for a repeal of the Excise Duty on Hops, which the petitioners stated amounted in many cases to more than 50 per cent on the price, said, he begged to call the attention of the House to the Motion of which he had given notice. In bringing forward this Motion, he wished to impress on his right hon. Friend the Chancellor of the Exchequer, that though the Hop Duty was of comparatively small amount, yet that it pressed with great severity on his unfortunate constituents. He believed if his right hon. Friend the Chancellor of the Exchequer referred to accounts on this subject, he would find that the average amount of duty of the last three years was only 269,000*l.*, and that if the right hon. Gentleman went back for a period of twenty years he would find that the annual average had not exceeded 280,000*l.* If the right hon. Gentleman would refer to returns on this subject, he would find that the Sussex collection ranged from 80,000*l.* to 120,000*l.* a year. He believed that the proportion of land under hop cultivation in the hop districts of that county was about five or six acres out of every hundred that were cultivated. That could not be considered excessive, and yet the duty levied on the produce of these five or six acres was almost invariably greater than the rent paid to the landlord for the whole 100 acres. He had in his hand a statement, which had been sent him by a most respectable farmer, whose family he knew, and whose farm was within a short distance of the residence of his hon. Colleague. The quality of the land was not inferior, because it could grow four quarters of wheat an acre. The extent of the farm was 503 acres, and the statement contained the quantity of hop land cultivated on it for the last five years:—

In 1847 the amount was ...	35 acres.
1848	30 „
1849	25 „
1850	22 „
1851	20 „

The average annual amount was somewhere about 26 acres 32 perches, and the average amount of duty was 256*l.* 17*s.* 8*d.* During the same period the rent for the 503 acres was 280*l.* in 1847, and reduced to 230*l.* in 1850; average, 249*l.*; so that the amount of duty paid on the produce of the twenty-six acres of hop land was greater than the rent of the whole 503 acres. He asked whether—such being the case—the tax could be considered a fair one? He had also another statement from a farmer in the same parish. The quality of the land of this farm was very superior, and the rent was higher than in the former case. The extent of the farm was 210 acres, and the rent was 350*l.* The number of acres under hop cultivation was twenty-five. For the last five years the average amount of hop duty paid was 253*l.* 17*s.* 10*d.*, being 72 per cent on the rent. He could bring forward a number of similar cases, and many in which the duty paid on hops exceeded the rent of the whole farm. The tax was one which had never been mitigated or repealed since the war. The present state of things should not be allowed to go on, because it was producing a frightful state of ruin and depression. Combined with free trade and other causes, the existing state of taxation was bringing ruin on the cultivators of the soil. He knew of quantities of land which had been thrown up. Only a short time ago he had heard of a man, whom he knew well, and who possessed about 700 acres near Hastings, having the whole of his farms thrown upon his hands by respectable tenants. If there was to be a revision of taxation, he thought the hop duty was a tax which might fairly be considered by the Government. Another objection to it was, that the hop duty had always been the subject of an excessive amount of gambling. There was more betting about what the hop duty would be for the year, than there was about any horse, either at Newmarket or Epsom. He had even been told that very large bribes had been offered to the Excise officers to reveal what the amount of duty would be, and the quantity of hops gathered in particular districts. He certainly thought the subject was worthy consideration by the Government. He knew that Government was most anxious to do what they could to relieve the excessive burdens on land. All that he asked in the Resolution was this, that in any remission of taxation, the repeal of the Excise Duty on Hops ought to be taken into serious consideration.

Motion made, and Question proposed—

> "That in any remission of Taxation, the repeal of the Excise Duty on Hops ought to be taken into serious consideration by this House."

Mr. FULLER seconded the Motion.

Mr. T. L. HODGES had on former occasions brought this subject under the consideration of the House, and he more particularly urged one portion of it on its attention. It would be recollected that Sir Robert Peel removed the whole of the duty on foreign hops; and when that was done, one would have thought that it would have been but an act of common justice to give some mitigation to the British planter. But that he refused to do. The increased hop duty was imposed by Mr. Pitt, in 1804, and the British hopgrower should be relieved at least to the extent of the increase of duty then imposed.

The CHANCELLOR of the EXCHEQUER: Sir, my hon. Friend the Member for East Sussex has made a very proper statement, and has moved a very temperate Resolution. He has placed before the House very fairly the position of his constituents, and has expressed an opinion, from which I do not by any means desire to dissent, that in any revision of taxation the repeal of the Excise Duty on Hops ought not to be omitted from the serious consideration of this House. Nothing, I think, can be more reasonable than that sentiment. Her Majesty's Government are (they regret to say it) quite aware of the sufferings which unfortunately exist in that part of the country which the hon. Member represents, and I can declare, in all sincerity on their behalf, that if it were in their power, by any proposition, to remedy the sufferings of the hon. Member's constituents, or of any class of Her Majesty's subjects, they would be only too happy to do so. With regard to the present case, I hope that my hon. Friend will himself perceive that, regard being had to the present state of public business, and to the peculiar position of the Government, it would not be in any degree proper or expedient to press the Government to the expression of any definite opinion on the subject. All that the hon. Member seems to be anxious for is, that in the event of the House undertaking a revision of taxation, the duty on hops shall not be omitted from our consideration; and I can assure my hon. Friend that in that anxiety I participate quite as warmly as himself. He desires that in any general revision of our taxation there shall be consideration for the hop planters; and I can assure him that, so far as it may be in the power of the Government to regulate the matter, such shall be the case. Even in the event of a more limited view of the fiscal condition of the country being taken, with a view to ascertain the incidence of taxation upon agriculture, the case of the hopgrowers shall not be forgotten. Most assuredly, in any effort that may hereafter be made to place agricultural taxation on a more satisfactory footing, the tax on hops ought not and shall not escape our consideration. But my hon. Friend having now stated with great moderation and force the facts of his case, and having accurately described th position of his constituents with regard to this tax, I do hope that he will feel that he has done his duty, and that he will not deem it necessary to press the matter further on the present occasion. Deputations on this subject have already waited on my noble Friend at the head of the Government, and have presented a memorial embodying their views. To that memorial, as to all other memorials that may be presented by any class of Her Majesty's subjects on the question of taxation, it will be the duty of the Government to devote their most earnest consideration. I hope, therefore, that my hon. Friend will be content with having drawn public attention to this subject, and that having stated his case to the House with great propriety, he will not feel himself called upon to press the Government to a definite declaration of their intentions in the matter.

Mr. HUME said, though this was brought forward as an agricultural question, he considered the duty on hops pressed most unequally upon all classes, and therefore ought to be removed. They had freed the food of the poor man from tax, and why should they not relieve his beverage from taxation? The food of the people had been freed from duty, and it was consistent as well as just to let them have untaxed drink. The working people of this country should be placed in a similar position to that of the working people of Belgium and other countries, in which, in consequence of there being no tax upon beer, it was drank in considerable quantities, but not so as to produce drunkenness. A plentiful use of beer would prevent the consumption of ardent spirits, which worked so much evil in these Kingdoms. He must say that he was quite satisfied with the statement of the right hon. Chancellor of the Exchequer, as it was plainly impossible anything definite could be said till the financial statement was laid before the House. He called upon those agricultural Gentlemen on the Ministerial benches who so loudly proclaimed themselves to be friends of the farmer and his labourers, to give their support to a proposition to the entire repeal of the Malt Tax. There was not a tax levied upon Her Majesty's subjects which was of a more injurious character—economically, physically, and socially—than the tax upon malt. There was no tax that he would sooner see removed. A repeal of half that tax would be entirely useless. He hoped that when the general taxes of the country were next submitted to revision, this tax would be most seriously considered by Her Majesty's Government, with a view to its entire abolition.

Mr. HENRY DRUMMOND said, that year after year, upon this Motion being brought forward, whilst the hon. Member for Montrose, and those with whom he generally voted, occupied seats on the other (the Ministerial) side of the House, he (Mr. Hume) was in the habit of deprecating the pressing of such a Motion through the House. [Mr. Hume: I beg your pardon. I always voted for the repeal of the Malt Tax.] He was ready to admit that the hon. Member for Montrose was an exception, but he claimed attention to the promise on this subject of Sir James Graham. ["Order, order!"] He was speaking of an historical fact. He was not alluding to a Member of that House, but he was speaking of a Gentleman who had made a speech before the Corn Laws were repealed. In order to induce the farmers to consent to their repeal, Sir James Graham said, "Of course, the very year after the Corn Laws are repealed, the Malt Tax must go." But never on any single occasion since the repeal of the Corn Laws was Sir James Graham to be found recording his vote in favour of that Motion. In like manner, the hon. Member for Manchester (Mr. Bright) had said to the farmers that the Malt Tax must go immediately after Corn Law Repeal; nevertheless, whenever this Motion was brought forward, that hon. Gentleman invariably voted against it. The fact was this: those hon. Gentlemen who were advocates of free trade had but one idea in their heads, and there was no room in them for another. Whenever this question was brought forward, they exclaimed, "Fee fo fum! I smell the ghost of a bread tax; you call it hops or malt, but call it what you will, this proposition refers to nothing less than a bread tax." Now, those hon. Gentlemen knew perfectly well that there was no intention to restore the old bread tax. They might as well talk of restoring the Heptarchy. Their opposition on that ground, therefore, was but a sham, got up for party purposes. There was a certain strange chronological fact in reference to this subject. He did not mean to say, *post hoc, ergo propter hoc*, but it was a fact, that whenever there was an increase in the quantity of bitter beer in this country, there was also an increase in the importation of gentian.

Mr. COBDEN said, that he was one of those free-trade Members to whom the hon. Member for West Surrey had alluded; but he (Mr. Cobden) voted last year with the hon. Gentleman for East Sussex (Mr. Frewen) and would vote with him again that night if he pressed his Motion to a division. He did not consider the hop duty most obnoxious on account of the burden it imposed on the consumers of beer. But he thought that the pressure of the hop duty fell more severely on the producer than other kinds of taxes. Indeed the hop duty was exceptional in that respect. The tax was so irregular in its amount that the cultivator could not calculate the amount he might have to pay. The amount of duty was therefore a subject of constant gambling, and the hop market in the Borough was like another Tattersall's. It was so precarious in amount, that no Chancellor of the Exchequer could ever tell the sum it would produce, and it was also exceedingly oppressive on the producer. But besides this, the tax bore most unequally on the producer. A person growing hops in Kent sold them for double the price at which the Sussex grower sold them, but the latter paid the same amount of duty. He paid the same duty per cwt. that the Kent grower paid. His hon. Friend, therefore (Mr. T. L. Hodges), who represented the Kent growers, did not want a repeal of the whole duty, but only of that part of it which was known as the war duty. This would leave the duty as much a protective duty in favour of his constituents as he could well obtain. This tax was therefore a most oppressive tax on the unfortunate farmers who grew hops on the heavy soil of Sussex, and it appeared to him that both on the ground of justice and of fiscal expediency it ought to be abolished. If the tax were repealed, it would obviate the necessity of the hopgrowers coming to the Chancellor of the Exchequer *in formâ pauperis*, as they frequently did, to ask for a remission of a part or of the whole of the duty. Nothing could more clearly show the oppressiveness and obnoxious character of the tax, than the fact that the duty varied from 120,000*l.* to 400,000*l.* a year; therefore the amount ought not to show any serious obstacle in the way of its repeal. He could not agree with the hon. Member for West Surrey (Mr. H. Drummond) that this tax and the malt tax were of the same nature, because if the malt tax were repealed, it would be necessary to find a substitute for it; and he defied any man to find a new tax as a substitute for the malt tax which would be accepted by the country. The feeling in favour of the repeal of the malt tax was not so strong as it was some years ago. There was a large party in this country who were opposed to the use of fermented liquors. There was a large amount of public opinion in favour of that view, and he was happy to say, it included the best portion of the working classes in this country. They might be right, or they might be wrong, as to the view they took of the effect of fermented liquors; but this he knew, that any Gentleman who represented a large constituency in that House, might vote against the repeal of the Malt Tax without giving that offence to his constituents which he would have given twenty years ago by taking such a course. He remembered some twenty years ago, when the repeal of the Malt Tax was the most popular cry in Manchester. But now he was sure his hon. Friends the Members for Manchester might vote against its repeal without incurring much danger of losing their seats on that account. But if the hon. Member for West Surrey and his Friends in that House had, as he said, no idea of putting on a Corn Law, then there was no other way of getting rid of the Malt Tax, except by a reduction of expenditure. If they would only join him in effecting that reduction of expenditure, they would find but little resistance to the abolition of the Malt Tax. But what was the course pursued by the hon. Gentleman and his friends, the "late" Protectionists? Did not the right hon. Gentleman the Chancellor of the Exchequer make it a boast a few nights ago, that when he (Mr. Cobden) brought forward a Motion in favour of a large reduction of taxation—not a sudden reduction, but a gradual return to the expenditure of 1835—the then Government were enabled by the aid of his (the Chancellor of the Exchequer's) party to defeat that Motion? And now the hon. Member for West Surrey charged them with being the cause of the Malt Tax not being repealed. The hon. Gentleman opposite (Mr. Frewen) took a courageous part last Session. He (Mr. Cobden) well remembered that he resisted all the appeals of the right hon. Gentleman (Sir C. Wood) who was then Chancellor of the Exchequer, to withdraw his Motion, and not to divide the House on it; but the hon. Member persevered, and he (Mr. Cobden) applauded him for it. He congratulated the men of Sussex upon having got a Member who would go through with the question, and who was not to be put off by the blandishments of any party. He had no doubt that their cause would succeed in such hands; but, judge his surprise, when he had read the report of the interview which had taken place between the hon. Gentleman and his Sussex friends and the Earl of Derby, on the subject of the Hop Duties. There he found that without any promise being made by the Government, that they would support the repeal of those duties, an understanding had been come to, that the Motion of the hon. Gentleman was not to be pressed to a division. Now he (Mr. Cobden), after a good deal of experience in that House, begged to tell the hon. Gentleman, that if he wished to succeed in obtaining relief from this obnoxious tax for the hopgrowers of Sussex, he must be prepared to press it forward, notwithstanding the inconvenience it might give to a Government or to a particular party. And if he found that a Government were in straits and difficulties, and that a party were vibrating and oscillating in their places, then was the time for pressing his Motion with the greatest perseverance. The hon. Gentleman stood a better chance for a successful division that evening than he did when he made his Motion last Session. Last year the Budget had been launched when the hon. Gentleman made his Motion, and he came late upon the field. On the present occasion the Budget had not been produced, and he was amongst the first claimants for consideration. A still stronger reason for his persevering was this, that the present was a condemned Parliament. It was in a state of penitence, and many men would give a good vote now, when they would not do so in the beginning of a new Parliament. Therefore, although the hon. Gentleman had brought forward his Motion in the mildest and most milk-and-water manner possible, he hoped he was not going to waste the time of the House by withdrawing, but that he would be found staunch enough and true enough to his friends to press it to a division.

Mr. FREWEN said, he understood the hon. Member (Mr. Cobden) to have said that he (Mr. Frewen) yesterday attended with the deputation that waited on the Earl of Derby. He was not present, and did not know of what had taken place until seven o'clock in the evening. The Committee sent a report to him, stating that they had urged the matter on the consideration of the Earl of Derby—that they were so satisfied with his answer that they hoped he would not press the House on the question. He said he thought it was only due to his constituents to bring the question under the consideration of the House, in order that he might have an opportunity of urging the amount of the tax, and the unjust way in which it pressed upon his constituents. Feeling quite satisfied with the answer of the right hon. Chancellor of the Exchequer, it was not his intention to divide the House on the present occasion.

Mr. BASS said, when the House knew that during the last year and the present the price of hops had more than doubled, it would be of opinion that that was a sufficient inducement to increase the cultivation, for the foreigner had still the inducement of a high price to import. Instead of the cultivation of hops being ruinous to the farmer, he believed that it was much more profitable to grow hops at 9*l*. 10*l*. or 13*l*. a cwt., than to grow wheat at 30*s*. a quarter; and if he might be permitted to take such a liberty, he would say to the hopgrowers of Kent, Worcester, and some other parts, that in the present depressed state of agriculture they could not direct themselves to a more profitable pursuit than to the cultivation of hops. With regard to the observation of the hon. Member for West Surrey (Mr. H. Drummond), he must be well aware that no brewer could have recourse to the ingredient to which he had adverted without an infraction of the law of the land, and without exposing himself to certain conviction. It was scarcely worthy of the hon. Member to impute to a respectable class of tradesmen an infraction of the law from the use of a deleterious article,

Motion, by leave, *withdrawn.*

FOREIGN REFUGEES.

Mr. MONCKTON MILNES rose to move an Address for copies of the Correspondence between Her Majesty's Government and foreign States, respecting the protection afforded to Refugees. He wished to confine himself strictly within the words of his Motion; and in so doing he wished to state, that at the commencement of the Session he applied to the noble Lord then at the head of the Government for information as to whether he intended to lay upon the table of the House the correspondence between the British Government and foreign States with respect to foreign refugees. The noble Lord informed him, that it was his intention to lay those papers before the House, and they accordingly were so laid upon the table of the House. Those papers concluded with a despatch of Earl Granville, in reference to communications received from foreign Powers upon that subject, with the addition of certain answers from foreign Ministers after the issue of that despatch. The Earl of Westmoreland stated that Prince Schwartzenberg at the time of receiving that despatch was so occupied that he was unable to give an immediate reply. A short time after the date of that letter we were informed by the public press that a despatch was sent by Prince Schwartzenberg to the Austrian Minister in this country, and also to the Foreign Office in this country. That despatch was received during the Administration of Earl Granville at the Foreign Office. He (Mr. M. Milnes) thought it was very important to this country that that despatch should be formally laid upon the table of the House. The tone of it, as far as he could judge from what appeared in the public prints, was of a very peculiar and painful character. He would content himself with describing it in such language for the present. He thought it was most important that the correct text of that despatch should be laid upon the table of the House. He thought it also important, for the character of the late Government, that the House should be informed whether Earl Granville answered that despatch—whether he answered it directly and implicitly, or whether it remained for the present Government to answer it. He asked his right hon. Friend the Chancellor of the Exchequer, soon after his accession to office, whether he would have any objection to lay those papers on the table of the House. He understood from him, at the time, that he was unwilling to do so, because the correspondence was not then complete. Would his right hon. Friend permit him to say that such answer merely meant that he did not think it convenient to lay the papers on the table of the House, because despatches of that kind might be procrastinated from time to time, and it would be impossible for a long time to obtain a complete copy of the correspondence. He wished his right hon. Friend to understand that he (Mr. M. Milnes) confined his request upon this subject to the despatch of the Austrian Government in answer to that of Earl Granville, and to any answers which might have been given by the late Government. Of course if it was convenient for him to do so, or if he thought it would furnish more light upon the subject, he might add such correspondence as had taken place since the accession of the present Government to power. The House would, no doubt, be grateful to him for such additional information. He could assure his right hon. Friend that he had no desire whatever to embarrass his or any other Government, because he felt most deeply that our foreign policy was too important a matter to be trifled with by party manœuvres. He would content himself with now moving for the papers mentioned in his Motion. In asking for the production of those papers he did not believe that he was making an unjust demand.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of the Correspondence between Her Majesty's Government and Foreign States, respecting the protection afforded to Refugees (in continuation of the Correspondence already presented to Parliament)."

The CHANCELLOR of the EXCHEQUER: Sir, my hon. Friend the Member for Pontefract appears to entertain the notion that the essense of diplomacy is mystery. He thinks it quite impossible, whenever our diplomatic interests are concerned, for any Member or Members of Her Majesty's Government to give a straightforward answer. My hon. Friend wishes to bring a subject of great interest under the consideration of the House; but before he makes his Motion, he wishes to be put in possession of certain despatches which the Government of this country have received from foreign Powers. My hon. Friend has been furnished with some partial information respecting that correspondence. He inquired of me the other day whether I would lay on the table of the House some further correspondence connected with this subject, namely, that relating to foreign Refugees. I then told my hon. Friend that the correspondence was not complete, but when complete, I would lay it before the House. And now, I can tell my hon. Friend that that correspondence is complete. Within a day or two I believe it will be printed, and when it is printed, I shall, by command, lay it on the table of this House. My hon. Friend assures me that he has no desire to embarrass Her Majesty's Government by bringing forward this question. I can assure him that the question is not embarrassing, nor am I conscious of having attempted to evade it. I cannot suppose that my hon. Friend is going to press this Motion to a division, particularly after the statement which I have made. I have entirely fulfilled my promise to the House. I told the House that, when the correspondence was complete, it would be placed before them. I now inform the House, that the correspondence is complete, and that in due course it will be laid upon the table, so as to be in time for my hon. Friend's speech.

Mr. MONCKTON MILNES still thought the remarks of his right hon. Friend were characterised by diplomatic mystery.

Lord JOHN RUSSELL hoped, after the statement of the right hon. Chancellor of the Exchequer, that his hon. Friend the Member for Pontefract would withdraw his Motion.

Motion, by leave, *withdrawn*.

EGYPT AND TURKEY.

Mr. ANDERSON begged to bring forward the Motion of which he had given notice. He felt that the questions now pending between the Ottoman Porte and the Pacha of Egypt were questions in which this country had a deep interest; and in illustration of the nature of that interest he might refer to the saying of the celebrated Mehemet Ali—that Egypt had become the bridge between Europe and Asia. What country, he (Mr. Anderson) inquired, had the greatest interest in that bridge? He would ask hon. Members to accompany him in imagination to a spot which he might call the centre of the bridge, namely, the middle of the desert of Suez, which he had himself recently visited. What a few years since was a desert, was now the great thoroughfare of commercial traffic, and of travelling and postal intercourse between Europe and the East. He might show them there a long train of camels, stretching as far as the eye can reach, passing through, laden with merchandise; he might show them two or three hundred camels carrying on their backs merchandise and travellers' luggage —another division laden with boxes, containing specie to the value of 400,000*l.* to 500,000*l.*; and then, again, another division conveying the letters and correspondence between the East and the West; and, lastly, numerous relays of commodious carriages advancing at a rapid pace, filled with travellers. The route through Egypt had reduced the time of this intercourse to nearly one-fourth of what it formerly was. Let hon. Members consider the importance of this traffic, and how great would be the disappointment of British merchants, and of the British people, if it had again to be conveyed round by the Cape of Good Hope. If something were not speedily done, however, to check the mischievous interference of the Divan of Constantinople in the internal administration of Egypt, it was to be feared that it would either be stopped altogether, or materially impeded. The noble Viscount lately at the head of the Foreign Department, had in a sort of stereotyped reply which he made to the various memorials from British merchants and others on this subject, alluded to the differences between the Porte and the Viceroy of Egypt, as matter of mere form and etiquette. But he (Mr. Anderson) was able to show to the House that the pretensions now put forward, since the accession of the present Viceroy, by the Porte, and only put forward, had a far deeper object. And he would now state the origin and object of these pretensions. The present Viceroy of Egypt, Abbas Pacha, when he succeeded to the government of the country, became a reformer. He found many abuses which had existed undisturbed under former administrations. He found in the country a number of manufacturing establishments which he wisely considered to be of no use in Egypt, the proper manufacture of which was corn; and when those manufactories were broken up, a number of *employés* were necessarily dismissed, including some Frenchmen. There were also some men who had held important posts under his grandfather's government, whose cupidity was checked under the new system. The parties thus dismissed or disappointed, flocked in a discontented frame of mind to Constantinople, and there originated a conspiracy against the Pacha, the object of which was to deprive him of the government of Egypt. He was not making this statement on mere hearsay. He had it in the handwriting of the chief conspirator, and it clearly appeared that what was aimed at by the Porte was the dismissal of the present Pacha, and the reduction of Egypt to the condition of an ordinary Turkish pachalic. It was for this country to consider what was likely to be the result of such a state of things. Among the pretensions of the Porte was one which struck at the very root of all authority in Egypt. It went to deprive the Pacha of the power of inflicting capital punishment—a power without which it would be impossible to maintain due subordination, or to rule the country advantageously. Industrious efforts, also, were being made to sow dissensions between different members of the Pacha's family; and as many of them were in possession of large tracts of land, the effect would be to produce a civil war. A large number of emissaries were actually now in Egypt endeavouring to persuade the people that the Pacha had no authority. Now, it had been asked why Egypt could not be governed as well through the Porte, residing in Constantinople, as through a Pacha in Egypt. His first answer was, that our national honour was pledged to the maintenance of the Pacha of Egypt in the political position assigned to the family of Mehemet Ali by the settlement of the Eastern question in 1841; and to this he would add, that his claim to our support was strengthened by the fact, that British interests of most important character were involved in the tranquillity and efficient government of Egypt, and that no Pacha had ever done so much to protect and to promote these interests as the present Pacha. Why, during the last twelve months only British property of the value of 3,000,000*l.* sterling had passed through his territory in safety without a single soldier to guard it. This was a great contrast to the state of things in Turkey, the Government of which was so impotent that it was unable to protect either property or person. He had that day received a letter from Constantinople, an extract of which he would read, and which he thought would fully confirm this part of his statement:—

> "The weak administration of the Turkish Government, as to affording protection to life or property, is made manifest by facts out of number. Even in this capital we are scarcely more secure from murder and theft than persons residing in the provinces, the only difference being that here the acts are perpetrated during the night, and by gangs of organised thieves; whereas those in the country take place during the day, and in sight and call of the houses of the victims, and frequently within gunshot of men who are called guards. At Smyrna two cases occurred not long since of a particularly glaring description, namely, first, that of the Dutch Consul, who was taken out of his own vineyard at 3 p.m., and within call of his house, and kept by the banditti who infest the neighbourhood of that city until his friends ransomed him for a sum equal to about 500*l.*; and that of Mr. De Youngh, the Danish Consul-general, who was actually taken from his house in the centre of a village of upwards of 500 houses, having a so-called military force of upwards of 200 strong quartered in it. The payment of a sort of black mail by the Smyrna merchants to those robbers for permission to get the fruit and other produce brought there for shipment exempted from plunder, is well known."

When such was the contrast of Turkey to Egypt, this country could scarcely desire a transference of the government of Egypt to the Sultan. It was considered by many persons that there had been some insubordination among our diplomatists on this question, and that our Ambassador at Constantinople had not fully carried out the wishes of the Foreign Office; and as affording a ground for this opinion, he would refer to one fact which would be in the recollection of many hon. Members, namely, that the noble Viscount then Secretary of State for Foreign Affairs declared in his place in this House, that it was the opinion of Her Majesty's Government, that the Pacha of Egypt had a right to make the railway in Egypt without the permission of the Porte. Yet almost immediately following that declaration, the Pacha was strongly urged by instructions from the British Ambassador at Constantinople to ask that permission—a step which he (the Pacha) now bitterly regretted, as having compromised his political position—a step, also, which was likely to be seriously detrimental to the improvement of the transit to and from the East. For he might explain to the House that the railway for which permission had been asked and obtained from the Porte, and about which so much was thought in this country, was not, after all, the railway which we required for the communication with India. The railway now about to be constructed was only a railway between Alexandria and Cairo, and however advantageous it might be to the internal improvement of Egypt, would do but little for the improvement of the overland route, unless it be continued from Cairo to Suez. Now, the Pacha, by the unfortunate step which British diplomacy had advised him to take in subjecting himself to the control of the Porte in such matters, now felt it prudent studiously to keep out of view, and even to repudiate, any intention of making a railway from Cairo to Suez. But for this unfortunate circumstance, as the hon. Member for Whitby (Mr. R. Stephenson) could confirm, instead of the commencement only at Alexandria of a railway, we should have five to ten thousand labourers commencing at Suez as well, and thus get a railway completed from the Red Sea to the Mediterranean in a short time, instead of having the most important part of it indefinitely postponed. On this subject he had some personal knowledge. He had had several communications with the Pacha of Egypt, and he knew that the Pacha felt very strongly and indignantly the manner in which he had been treated by the Government of this country. He had been taunted by the French party in Egypt that had he sought an alliance with France he would have been in a much better position. The prompt and decided interference of the French in the dispute between the Porte and their *protegé*, the Bey of Tunis, had been cited to him; and he (Mr. Anderson) considered this a serious matter. Much was now said about a French invasion. He did not fear any on our shores; but he would warn the House that it was not improbable that instead of our having a French expedition on the coast of Kent, Sussex, or Hampshire, there might be one sent to the shores of the Mediterranean and the banks of the Nile once more.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between Her Majesty's Government, Her Majesty's Ambassador at Constantinople, and Her Majesty's Agent and Consul General in Egypt, since the 1st day of January, 1850, relative to the attempted interference of the Sublime Porte in the internal administration of Egypt, by proposing to deprive the Pacha of the power to inflict capital punishment on capitally convicted criminals; to construct Railways for the internal improvements of and facility of transit through that Country, and otherwise; and of all representations made by British Subjects in reference thereto."

Mr. HUME seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER: Sir, the Motion of the hon. Gentleman (Mr. Anderson) has reference to one of the most delicate questions in the whole range of our foreign policy, namely, the relations between Turkey and Egypt. I can assure the hon. Gentleman, that not only the present, but, I believe, also the late Government, feel the full importance of the question, and that we are not influenced by the information to which he referred, nor the authority to which he alluded. If he thinks that the contending claims between Turkey and Egypt (as he seems to think) have their foundation only in the discords of workmen and the little plots of Constantinople, I can easily understand from what source he derives his information. The claims to which he alludes are founded upon existing treaties—upon the interpretation of those treaties, and upon traditional interests of the utmost importance. It is, however, quite impossible for the Government to accede to the Motion. If it were acceded to, the House would have a variety of information thrown before it referring to the negotiations which are now pending. The whole question is involved in those negotiations. The mutual relations between Turkey and Egypt are no doubt of the greatest importance to the interests of this country, and also to the interests of the world; the Government feel the full importance of those relations being established on a proper and legitimate basis. I feel it to be my duty to oppose the Motion of the hon. Gentleman; and I do so on the simple intelligible ground that the transactions to which he refers are at this moment in an imperfect state, that they are the subject of negotiation at this present moment in Constantinople, and that it would most injuriously affect the public service if those papers were laid upon the table of the House.

Lord JOHN RUSSELL: Sir, I entirely agree with the right hon. Gentleman that this is a subject of the greatest importance and delicacy. I think the right hon. Gentleman is perfectly right in refusing to accede to the Motion. I think the hon. Gentleman (Mr. Anderson) is not correct in his construction of the guarantee respecting the mutual relations of Egypt and Turkey; nor do I think he is correct in his inference of the relations which the guarantee implies between the Sultan and the Pacha of Egypt. I am of opinion that our interference between the Sultan and the Pacha is a matter of the utmost delicacy. We are on the most friendly terms with the Sultan and with the Pacha—we may advise the Sultan—we may counsel him to allow the Pacha to inflict capital punishment, if he should think proper, without referring to Constantinople; but such interference can only be received as friendly counsel, and to give it any chance of success, it ought to be couched in the most conciliatory langague. Now, I cannot help thinking that the production of those documents for which the hon. Gentleman calls, would prevent such success. At the same time, not only with respect to the contruction of the railroad—with respect to the power of inflicting capital punishment where capital sentences are pronounced—I think it most desirable that the Pacha of Egypt should have the same power conferred upon him as is conferred by our Sovereign on the Governors of our colonies and provinces, and that better government would be thereby secured. But all this must be left entirely in the hands of the Executive Government; and I think we ought not unduly to interfere between the Sultan and the Pacha, but that a conciliatory course would be the surest road to success. I am sure that our Ambassador at Constantinople, Sir Stratford Canning—than whom there is no man of higher diplomatic talent, or more fit for the position he holds, will execute with fidelity and zeal any instructions that may be transmitted to him by the Home Government.

Mr. HUME said, that in 1839 this country despatched to Egypt some fifty vessels of war to conquer the Pacha, and to place Egypt under the Sultan, with a guarantee that certain powers should be continued in the hands of the Pacha. He did not know what his hon. Friend (Mr. Anderson) referred to when he spoke of a conspiracy, but it appeared from documents laid before Parliament that the Sultan, whilst speaking in the fairest and most flattering terms to the Pacha, was concocting plans to overthrow him. When England stepped in, one of her objects was to secure certain rights to the Pacha and his descendants for ever; and, though he was sorry at the time to see the arms of England so employed, he knew no tribunal to which an appeal could now be made with so much justice as the country which had supplied the forces that fought against Mehemet Ali. He could have hoped that on such an occasion the noble Lord the late head of the Foreign Office would have been present. Though convinced that Egypt could not be in better hands than those of the present Pacha, he would recommend his hon. Friend to withdraw the Motion, with the view of renewing it if hereafter he thought the Pacha did not obtain that protection which both the honour and the interest of this country required that he should receive.

MR. MONCKTON MILNES did not believe that the noble Lord the late Secretary for Foreign Affairs had ever consented to such an interpretation of the Treaty by which England guaranteed the independence of Egypt, as that this country would be justified in interfering by force of arms in the affairs of Egypt. But he believed the noble Lord (Viscount Palmerston) and the public sense of diplomacy in Europe, agreed that the parties to that engagement were morally bound, by every means in their power, to support the Pacha of Egypt in a just and independent authority. At the same time he (Mr. M. Milnes) must say that it was hardly fair to look upon this question of capital punishment without taking into consideration that it was one intimately connected with the advance of civilisation in the dominions of the Porte. If it could be shown that the right of inflicting capital punishment would only be exercised in a fair and reasonable manner by the Pacha, he (Mr. M. Milnes) did not think that the Porte would deny to the Pacha that power which was granted by Her Majesty to the governors of our own colonies. It would be found that it was mainly owing to the efforts of the English Government, that there was now every hope of the successful establishment of an important railroad in Egypt. That great question might now be said to be settled; and he did not think that there could have ever been any serious intention on the part of the Sultan of preventing the formation of so valuable a work in what might still be considered a portion of his own dominions. He had heard with great satisfaction of the prospect there now was of the improvement and better government of Egypt. He believed that the present Pacha had the real welfare of the country very much at heart, and that he would endeavour to advance the cause of civilisation by the introduction of practical reforms, not more ostentatious perhaps, but not less useful, than those of his predecessor. The present question was one that did not concern this or that Government; and he (Mr. M. Milnes) did hope that Her Majesty's advisers, assisted by the mediation of Sir Stratford Canning, would be able to bring it to a satisfactory conclusion.

MR. ANDERSON, in reply, said, that with reference to the vagueness alleged to be in the terms of the firman of investiture of the Pacha, which was the same as that granted to Mehemet Ali in the year 1841, and under which the administration of Egypt had been carried on ever since; if it was vague on one side, it must be vague on the other; and where was the best interpretation of it to be found? Why, surely, in that which one party had done, and the other had permitted, during the ten years in which it had been in operation. During that time the barrage of the Nile, certainly as great an undertaking as the railway, had been undertaken by the late Mehemet Ali, without permission from or question by the Sultan; and in like manner he had undertaken and completed the extensive fortifications of Alexandria—works that might even be turned against the Sultan. And with regard to the Fanzimat, or new code of laws, it was expressly stipulated by Mehemet Ali, in accepting the firman of investiture, they should only be applied to Egypt so far as the circumstances of that country might render them practicable. The noble Lord lately at the head of Her Majesty's Government had dwelt much on the extreme delicacy of our interference in a question which was one between the Sultan and his vassal. But he (Mr. Anderson) would ask, where was all this delicacy in the years 1839 and 1840? What was the question then but between the Sultan of Turkey and his vassal the Viceroy of Egypt? What right had we then to interfere in that domestic quarrel, when the superior intelligence and energy of the Pacha of Egypt had placed the capital and power of the Sultan at his feet? Yet we did interfere: we expended millions of British treasure, and employed British ships of war and men to prop up the prostrate power of the Sultan, a power which he is now employing to damage important British interests. To talk of the Porte as an independent Power, was indeed a complete farce. Let any one look into the published correspondence on the Eastern question, and he will there see a most ludicrous picture: a Government assuming the most magnificent attributes of power and dominion, yet humbled to the dust before an intelligent vassal; unable to adopt the most trifling measure either of defence or diplomacy except under the tutelage of the Ministers of Foreign Powers. Now, having set up the Sultan and put down the Pacha, as we then did, he (Mr. Anderson) maintained that we not only had a right, but were bound in honour to see that the Pacha of Egypt should not be pushed down into a still lower position, and to the detriment of our own national interests. And where, he would ask, was the necessity for this new interference with the Pacha? Had his administration been injurious or tyrannical to the people of Egypt? On the contrary, no Pacha had ever done so much to improve the condition of that people, nor had administered the government of Egypt with so much leniency. He had relieved the people to the extent of nearly a million and a half sterling amount of taxes, and that of the most obnoxious kind of taxes. He had emancipated them from that abject slavery which, under former *régimes*, bound the fellatreen or agricultural peasantry to their respective villages, to labour there for the benefit of the r masters, and from whence they durst not move under pain of the bastinado; in short, they were *adscripti glebœ* in the most rigid sense. They are now at liberty to proceed anywhere in Egypt where they can get the best employment, with the exception, indeed, of those on the extensive estates of the sons of Ibrahim Pacha, who are patronised and protected by the Powers at Constantinople, and are therefore considered too powerful to be interfered with. With regard to capital punishments, he (Mr. Anderson) had obtained from what he considered undoubted authority, a statement of the number of executions in Egypt during the three years prior and three years subsequent to the accession of the present Pacha. During the former period they amounted to sixteen annually; but during the latter period they had only amounted to seven annually. This surely could not be considered excessive in the efficient government of four millions and a half of a semi-civilised population. Of the marked improvement in Egypt, he (Mr. Anderson) could speak in the most confident manner, as he had visited it about ten years since, and again very recently, and nothing could be more gratifying to any one feeling an interest in the subject, than the favourable change which has taken place during that period. He trusted the facts he had stated would induce the Government to bestow an active attention to this most important subject. His hon. Friend near him (Mr. M. Milnes) had passed an high encomium on our Minister at Constantinople and our Consul General in Egypt, and claimed a sort of implicit confidence for the former; but it was well known that these two functionaries did not pull together on this question—that they in fact pulled in opposite directions, Sir S. Canning pulling in his (Mr. Anderson's) opinion the wrong way, while Mr. Murray pulled the right. Of course, after the observations of the Chancellor of the Exchequer, as to the prejudice which might arise from the publication of the correspondence, he had no alternative but to withdraw his Motion; and, with the permission of the House, would withdraw it accordingly.

Motion, by leave, *withdrawn.*

RIVER FERGUS DRAINAGE.

The O'GORMAN MAHON said, he rose to call the attention of Her Majesty's Ministers to the subject matter of a petition presented from the town commissioners of Ennis. The petition was one of no ordinary importance, both from the respectability of the parties who had signed it, and the motives which had induced them to come forward. The town commissioners of Ennis were comparatively uninterested in the question, and their motive in addressing the House of Commons was to obtain protection from the deep wrong which had been inflicted upon the poor of the town which he had the honour to represent. The river Fergus took its source eight or nine miles above the town of Ennis. A loan had been obtained by the proprietors of the land between the source of the river and the town from the Commissioners of the Board of Works, for the purpose of effecting the drainage of the land. But in place of commencing the outlet for the purpose of facilitating the exit of the water below the town of Ennis, the Commissioners of Works had made an outlet in the river near its source, whereby the water was drawn from the surrounding lands, and the town in consequence was made liable to inundations. The petitioners prayed that the Commissioners should be called upon to complete the works which they had undertaken. It was a part of the agreement that the proprietors were not to repay the money that was advanced for effecting this drainage until the works had been completed, and it was alleged that a great portion of the money was already expended. The resident gentry refused to contribute until the Board of Works had done their part, which was to complete the works. The Board, however, would not complete them, and the consequence was the district was inundated. The town of Ennis was the centre of a district containing a population of 150,000 souls, whose trade was greatly interested in the river Fergus being rendered navigable to that *entrepôt*, and that could only be done by the removal of a bar below the town, which prevented vessels sailing up to it. For the trivial expense of about 30,000*l.* that invaluable boon could be secured to a wretched but peaceable population; and he hoped the right hon. Chancellor of the Exchequer would give a favourable consideration to their claims. He had repeatedly brought this subject before the attention of the Government, and everything was in train for the execution of the project, when the late Administration took it into their heads to throw up the reins of power. Hence he was obliged to renew his application, and to make the present appeal to the new Government. His object, in the first instance, was to induce the right hon. Chancellor of the Exchequer to insist on the Board of Works completing that portion of the drainage which they had undertaken above the town of Ennis; and, in the next place, to obtain the first moiety of 15,000*l.* as a grant from the Government, and another 15,000*l.* as a loan, to be advanced on the security of the tolls of the town of Ennis.

Motion made, and Question proposed—

"That the Board of Works in Ireland be directed to complete forthwith the Drainage Works undertaken by them on the River Fergus."

Sir CHARLES WOOD said, he could bear testimony to the persevering manner in which the hon. Gentleman who brought forward this Motion had pressed the subject upon the attention of the late Government. With regard to the drainage of the river Fergus, and the improvement of the navigation to the town of Ennis, he (Sir C. Wood) did not consider it was an object for which a grant of public money should be made, but he thought it one for which a loan might be advanced. At the same time, if a loan was to be advanced, it would be necessary that it should be made in the name of commissioners for the improvement of the river Fergus, in order to secure its repayment. But at present there were no such commissioners in existence, and therefore before the loan could be granted it would be necessary to proceed by introducing a Bill on the subject.

The CHANCELLOR of the EXCHEQUER could assure the hon. Member for Ennis that he was not at all influenced in the reply about to be given, by the consideration that it might affect the return of the hon. Gentleman at the next election. He had read the petition of the Commissioners of the town of Ennis, but he had arrived at an impression different from that of the hon. Member. It did not appear by the petition that the fault lay with the Commissioners of Works, but, on the contrary, with the landowners of the district, with whom the hon. Member must be most intimately acquainted. The petition stated that the loan by which the works were to be carried out, was obtained by the Board of Works on the understanding that it was to be repaid by the gentry. The proprietors, notwithstanding the great benefit they have undoubtedly derived from the operations that had been effected, refused to sanction any further expenditure. The House would recollect that under the Arterial Drainage Act, Clause 50, a certain expenditure might be incurred by the Board of Works; but the payment of a certain amount was also required from proprietors in order to complete such works. In this case it was the proprietors who had declined to permit any further outlay. They ought to come to some decision among themselves before asking assistance from the Chancellor of the Exchequer; at the same time if an application were made to the Government of the nature suggested by the right hon. Gentleman the Member for Halifax (Sir C. Wood), he should be happy to give it every consideration.

Sir LUCIUS O'BRIEN said, the complaint was that the Commissioners had spent the money in the most useless way, doing only a portion of the work here, and another there; and if it were to be completed in the same manner as it had been begun, the cost would be very enormous. A sum of 195,000*l.* had already been expended, and he understood 160,000*l.* more would be necessary to finish the original plan.

Mr. NAPIER said, that the work had been done for relief purposes during the late famine, and no doubt the outlay was not so advantageously made as it would have been under other circumstances. He had instructed the solicitor to the Board of Works to make a return of the Public Works begun but still unfinished in Ireland, in order to enable the Government to ascertain which, and how many of them ought to be carried to their completion. He (Mr. Napier) intended to direct his attention to the numerous Acts which had from time to time been passed for promoting works of improvement in Ireland, with the view of consolidating them into one uniform and intelligible code.

Mr. GROGAN was glad to hear the announcement just made by the hon. and learned Gentleman; but he thought the Irish proprietors had been much ground down by taxation in every shape, and they had substantial reasons for refusing their assent to the completion of these works, as alleged by the right hon. Chancellor of the Exchequer. They complained of mismanagement in the execution of them, the original estimates having been doubled and tripled in many instances by the actual sums expended; and they were, therefore, reluctant to make themselves further responsible for the payment of consolidated annuities and other similar charges. That was the reason why so many of these works remained in an unfinished state. He hoped that the Government would yet entertain the present application favourably.

The O'GORMAN MAHON, in reply, said, the right hon. Chancellor of the Exchequer was under a misconception as to the conduct of the local proprietors. The real cause for their refusal to contribute was, that the Board of Works were legally bound by the *litera scripta* of their contract to complete the works before the proprietors should be called upon to pay. He was obliged to the right hon. Gentleman (Sir C. Wood) for pointing out a mode in which his object could be secured, and he should therefore now withdraw his present Motion, giving notice at the same time of his intention to bring in a Bill on the same subject.

Motion, by leave, *withdrawn.*

BORNEO.

Mr. HUME said, he rose to move for copies of corespondence between Mr. Robert Burns and Viscount Palmerston, relative to the obstructions and discouragements he had received to his commercial affairs in Borneo. He (Mr. Hume) should content himself on the present occasion with simply moving for the production of these papers, which were necessary to complete the narrative of the transactions in Borneo which had already engaged the attention of that House. If the hon. Gentleman opposite (Mr. H. Drummond) was anxious for a discussion on the conduct of Sir James Brooke, it was his (Mr. Hume's) intention to gratify him without much delay; but he trusted that the matter would not be debated at that moment.

Address for—

"Copy of Letter from Mr. Robert Burns to Viscount Palmerston, dated Singapore, 28th day of June, 1851, with its Inclosures, complaining of the obstructions and discouragements he had received to his commercial affairs in Borneo at the hands of Her Majesty's Commissioner and Consul General to the Sultan and independent Chiefs of Borneo, whilst prosecuting his lawful commercial proceedings in that country; together with Copy of any Answers thereto."

Mr. HENRY DRUMMOND said, he must complain that the hon. Member for Montrose should, as last Session, put repeated notices upon the paper which were not literally true, and which implied censures of which the House had no means of forming an accurate judgment. For instance, this notice stated that Mr. Burns was prosecuting, his lawful commercial proceedings. Now, the fact was that these proceedings were, pandering to slander at the instigation of the society who instructed the hon. Member for Montrose. The unfortunate gentleman (Mr. Burns) had given evidence (though he thought he could not have been such a goose as to have thought so) that there were no such things as pirates; but having gone amongst them, he lost his head, and the consequence was that his boat and papers fell into the hands of the Government authorities, and amongst these papers was his journal, which would show what were the commercial proceedings in which he was engaged in Mallaheu Bay. [The hon. Member then read extracts from this journal, to show that the unfortunate gentleman in question, and Mr. Motley, the agent of the Eastern Archipelago Company, had been engaged in endeavouring to persuade the Sultan of Borneo to write to Her Majesty, complaining of the conduct and proceedings of Sir James Brooke.] He had not the smallest objection to meet the hon. Member for Montrose whenever he might bring forward the Borneo question; but he objected to charges being insinuated in these resolutions, instead of being made in a *bonâ fide* and honest manner, when and where they could be answered; which he knew that they could not be on those occasions. It was too bad that an honourable Gentleman, who was esteemed (and he believed, deservedly) by his friends as a man of benevolence and kindness, should be possessed with such a monomania as to take a delight in blackening in that House the character of one of the most valuable servants whom the country had ever possessed.

Mr. HUME said, that the transactions alluded to by the hon. Member took place many months after those with respect to which he (Mr. Hume) wished for an explanation. The hon. Gentleman was mistaken in supposing that he (Mr. Hume) had anything to do with the company to which he had referred. The letter, for a copy of which he was now moving, was direct from, and was signed by, Mr. Burns himself, and he (Mr. Hume) knew nothing of any other party. He denied that the present Motion contained one word of censure, and therefore the remarks of the hon. Member upon that point were not well founded.

Motion *agreed to.*

ST. ALBANS DISFRANCHISEMENT BILL.

On the Motion for agreeing to the Amendments on this Bill,

Mr. JACOB BELL said, that he did not rise for the purpose of opposing any further obstacles to the progress of the Bill. He thought that he had done as much as could be expected under such circumstances for the defence of his constituents. He merely wished to express a hope that the crusade against corruption at elections would not terminate with the disfranchisement at St. Albans, for if that were so, he thought this measure would be a source, not of satisfaction, but of dissatisfaction to the public. If Her Majesty's Government, taking advantage of the information that they had received through the St. Albans Commission, would, before the dissolution of Parliament bring in a Bill that should more effectually check this corruption, than was done by any present Act of Parliament, he felt certain that such a course would give great satisfaction to the country, and that it would receive the support of every honest man in the Kingdom.

Mr. WALPOLE said, that the noble Lord who was lately at the head of the Government would on the following evening move the Second Reading of the Corruption and Bribery at Elections Bill, and that Her Majesty's Government intended to give him their support. They had every desire to adopt effectual measures for the suppression of corruption at elections.

Mr. HUME hoped that the Government were sincere in the declaration that they would adopt the most effectual measures for the suppression of corruption. He did not believe that corruption could be wholly put an end to, but he believed that the best means to diminish it would be to adopt Vote by Ballot. He would press that both on the right hon. Gentleman and the noble Lord as a test of their sincerity.

Amendments *agreed to.*

The House adjourned at half-after Eight o'clock.

HOUSE OF COMMONS.

Wednesday, March 24, 1852.

Minutes.] New Member Sworn.—For Salop (Southern Division), Viscount Newport.

Public Bill.—2° Corrupt Practices at Elections.

PROTECTION FROM DANGEROUS ANIMALS BILL.

Order for Second Reading read.

Mr. FREWEN said, in moving the Second Reading of this Bill, he would call the attention of the House to a case which occurred last summer in his own immediate neighbourhood, where a farmer's dog in a rabid state had bitten a labouring man, together with several sheep and cattle, and had done a great deal of mischief. He had been applied to, as the nearest magistrate, to interfere, as the owner refused to have the animal destroyed; and it was only then, when examining the law on the subject, that he found that, though magistrates in the Metropolitan districts and in Corporate towns had power to act in a case of this sort, there was no such power in the Rural districts. This was an anomaly which he thought ought not to exist, for there was no apparent reason why there should be one law for the town, and another for the country. The third clause in the Bill related to a matter upon which a large body of his constituents had petitioned the House for the last two Sessions. It provided for the better regulation of carts and trucks drawn by dogs; and here, too, it was worthy of remark, that the practice of harnessing dogs under carts and trucks was permitted in the country, although it was expressly prohibited in London, and within a circuit of fifteen miles thereof. The effect of the prayer was, that carts drawn by dogs should not be allowed to be used at all—that a law which existed in the Metropolitan as well as in Corporate towns should be extended to the county districts, seeing that carts of the description he had mentioned had been the cause of most serious accidents. The last clause was to prevent farmers from keeping savage bulls in fields through which public footpaths ran. A gentleman residing on the borders of Wales assured him lately that it was a very common practice in that country to keep a savage bull in a field on purpose to prevent the public from using the path; and many serious accidents had been occasioned in this way. The Bill now before the House to give protection in these and similar cases, was a very short one, and he hoped the House would sanction the second reading.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The ATTORNEY GENERAL begged to express his great gratitude to the hon. Member for having taken the public under his protection; but he must be permitted to doubt whether the provisions of the Bill just introduced would be the best adapted for securing the object in view. His hon. Friend was probably aware that the owner of a rabid animal might, without the intervention of the law at all, either confine it or destroy it. The owner, therefore, did not require the aid of the law to deal with a dangerous animal as he pleased; and what was now proposed, was to give to other persons than the owner the means of disposing of animals of this description. Now, of course, the owner would take care not to insinuate any thing to cause suspicion to be thrown upon his animals, and, therefore, it was only in case a dog had exhibited his madness in public that this law could be brought into operation. According to the Bill, if the animal took his measures so cautiously and prudently as only to bite one credible witness—if he exhibited his vagaries only when one credible witness was by—then nothing could be done; but when another credible witness was at hand, or had been bitten, the two could go arm in arm together and request the intervention of some neighbouring magistrate, while in the meantime, of course, the animal was ranging the country at large. Perhaps the magistrate was not at home, but, when found, these credible witnesses, who might be very credible, but very timid, might make oath as to what they had seen or experienced, and then the magistrate was to issue a mandate. Armed with this document, the two credible witnesses had then to go and find a constable, who might perhaps be at the time engaged from home in the apprehension of vagrants, or on some other equally onerous duty; but this person, when they could lay their hands upon him, was to go forth in pursuit, and, in order to stimulate him, he was to be entitled to half-a-crown for killing the dog when he could catch him, which sum was to be paid out of the poor-rates. This was intended as a sort of head money, not for the purpose of buying a rope or club wherewith to compass the animal's death, but as a stimulus to the constable to exert himself as much as he possibly could in the pursuit. Well, after all this tedious process, the constable perhaps succeeded in destroying the dog; but now came a part of the Bill to which he (the Attorney General) must object. Immediately the animal was discovered to be in a rabid state, the district for two miles round was proclaimed; every dog was to be put under a ban, and every owner was required to provide for his dog a muzzle. That provision seemed to him to be rather an unfair thing upon the owners and upon the innocent dogs, whose comfort, as every body knew, was much diminished by a muzzle. In the first place, why was a circle of two miles fixed upon, for it might possibly happen that the dog might exhibit symptoms of madness at a considerable distance from his owner's residence? There was an anecdote extant on this subject which would probably convince his hon. Friend that the Bill was unnecessary, and that all the protection requisite in such cases was already provided. A Quaker, while passing through a village, being assailed by a yelping cur, calmly said, "I will not kill thee, but I will give thee a bad name," whereupon he raised a cry of "Mad dog!" and the villagers came out and knocked the animal on the head. Now, this was a summary remedy; but it was one which the law left open at present, and he thought it afforded at least as much protection as the Bill now before the House, which left the animal untouched until two credible witnesses had attested its madness, until they had found a magistrate, had got his order, had hunted up a constable, had delivered the magisterial mandate, and until the constable, who might not be particularly expeditious about the matter, had effected the dog's destruction. He thought this was not a case in which there was the least necessity for the interference of the Legislature; and, in his opinion, it was most desirable not to load our Statute-book with laws which would render it ridiculous. As to the next clause of the Bill, relating to dogs drawing carts or trucks, he certainly could not understand why the Act of Parliament on the subject should have been confined to the Metropolitan districts, except on the supposition that dogs in a rabid state were more likely to worry their species, and to do more mischief, in a populous than in a thinly inhabited district. Not having at hand, however, any statistics on this point, he was unable to decide whether any Act of Parliament was required, though he admitted that this would be part of a subject worthy the attention of the Legislature. In the last clause of the Bill it was enacted, "That it shall not be lawful for the occupiers of any field or enclosure that has a public highway passing through it to keep any bull in the said field unless the said bull is securely fastened by a tether." The Bill applied to all bulls, as to all dogs, and enacted that it should not be lawful for any bull, however harmless, to be at large in a field unless it was fastened up. He could not imagine any thing more likely to irritate a bull which had been in the habit of quietly grazing among the cows, than to be tied up and debarred from their society. It was enough to make the quietest bull go mad. He trusted the hon. Gentleman would consent to withdraw the Bill; but if the hon. Member declined, he (the Attorney General) should feel it to be his duty to move that it be read a second time that day six months.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Question proposed, "That the word 'now' stand part of the Question."

MR. SPOONER said, the hon. and learned Gentleman the Attorney General had amused the House with a speech, but had not touched the main principles of the Bill. The hon. and learned Gentleman had only touched imperfections of detail, which might be remedied in Committee. He contended that the matters which the Bill proposed to deal with were a constant and a crying evil, and called for immediate legislative interference. He saw dangers in the country almost daily, which arose from allowing fierce dogs to go at large. He considered the practice of employing dogs to draw carts, as was now carried on, was most dangerous, and he was of opinion that the practice ought to be placed under proper regulations. He was willing to admit that some improvement might be made in the details; but he hoped his hon. Friend would not give up the third clause.

MR. EWART said, he considered there were too many objections to some of the provisions of the Bill to allow of its passing in its present shape. Unless the Bill was suitably amended he should himself move at the proper time that the third clause be referred to a Select Committee to inquire into the condition and usage of dogs used for drawing carts or trucks by poor people in the country.

MR. DEEDES said, that in places where mad dogs were discovered, the magistrates sometimes issued public notice that all dogs found abroad without muzzles should be destroyed. Doubts were sometimes expressed whether they had the power to act upon such a notice; and this ought to have been set at rest by a legislative enactment in a Bill like the present. He saw no reason why a distinction should be made between the district of fifteen miles round the Metropolis, and the rest of the country. It would be desirable if in Bills relative to Turnpike Trusts a moderate toll were allowed to be taken from these dog-carts. In any new Highway Bill they ought to be placed under the control of the police. The result of his inquiries proved that in very many parts of the country these dog-carts were made use of to carry on a traffic in stolen goods. The carts were fitted up with false bottoms; the owners of them pretended to be marine store dealers, and by this means the stolen goods were conveyed away without the surveillance of the police. He did not think the Bill met the difficulties that surrounded the question, and he hoped the hon. Member would not press it to a division.

MR. ELLIS said, he considered dog-carts to be a very great nuisance. They should either be done away with altogether, or put under very stringent regulations. They had been excluded from the borough which he had the honour to represent (Leicester), by the by-laws of the town, sanctioned by the Secretary of State. He did not see why such a law should not be extended to other places.

COLONEL THOMPSON apprehended danger to the public liberties in the matter of dog-carts. He doubted whether the owners of dog-carts were properly repre-

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sented in that House. As a proof, nothing had been said of the number of times that dog-carts had been run over by horses. Men kept dog-carts, because it was substantially their interest to do so. If anybody would give them a full-blood horse to use instead, no doubt they would do it. He never saw cruelty to a dog in these vehicles, although he had seen many cases of cruelty to horses. There had been an attempt to raise a prejudice against the use of dogs, upon a theory that they were never intended to draw. In a colony where the Governor was trying to introduce the use of bullocks as beasts of burden, an influential Maroon captain went to the Governor and said, "Massa Governor, I don't think God Almighty made a bull to carry something." The Governor replied, "Captain Palmer, let us see whether a bull will carry something, and if he will, depend upon it God Almighty made him for it." So if dogs displayed a capacity for human service, he saw no reason why mankind should doubt that they were made for it. It seemed to him that the poor and needy were far from having had a perfect hearing on this occasion.

Sir WILLIAM JOLLIFFE said, he very much agreed with the hon. and gallant Member, although he believed there were objections to the use of dog-carts upon public roads. The dogs were apt to bark, and horses were often much frightened at them. Some police regulations were wanted with regard to them, and he also feared they were often maltreated and neglected. Still they gave the means to some persons to earn an honest livelihood. It had been suggested that a charge should be made for them at the turnpike gates; but the practice was for the man to set his dogs loose just before he got to the gate, and to draw his cart through himself, thereby evading the toll.

Mr. PACKE had never known an instance in which a horse did not start at the approach of a dog-cart; and thus these vehicles were daily and hourly placing the lives of persons who travelled upon the turnpike roads in jeopardy. He quite agreed that they ought to be placed under a more strict police surveillance; and that also, on the score of humanity to the dogs, for he could assure the House that he had seen cases in which the feet of these poor animals were quite raw from drawing, not a few light goods merely, but heavy hulking fellows who were too idle to walk.

Mr. FREWEN said, he would withdraw the Bill, but he hoped some hon. Member would propose a measure for making the law the same with regard to dog-carts in the rural districts as in the Metropolis.

Amendment and Motion, by leave, *withdrawn;* Bill *withdrawn.*

COUNTY RATES BILL.

On the Motion of Mr. FRESHFIELD, the Order of the Day for going into Committee on this Bill was discharged, with the view of referring the Bill to a Select Committee.

CORRUPT PRACTICES AT ELECTIONS BILL.

Order for Second Reading read.

Mr. VERNON SMITH said, his noble Friend (Lord John Russell) had requested him to move the second reading of this Bill. He (Mr. V. Smith) understood that there was no opposition to the principle of the Bill; and any objections to details would, he hoped, be reserved until the Bill was in Committee, when his noble Friend would be present.

The ATTORNEY GENERAL said, he had no objection to the Bill being read a second time on the understanding that the Government should be at liberty, in Committee, to propose such amendments as it might think advisable.

Colonel SIBTHORP said, he had to complain of the hypocrisy of the Liberals in respect to this measure. The fact was, conscience had been known, from the days of Shakespeare downwards, as a notable coward maker; and the most corrupt party invariably was that which cried out loudest against corruption. He thought the measure was utterly indefensible as to its mode of operation. The pure paid Commissioners it appointed were to go down into the boroughs and cities from time to time to seek for corruption. He conceived the Bill was meant to encourage a class of men going about as spies in every city and borough in the kingdom. It was a cowardly dastardly measure, and full of meanness. Nobody, of course, would call that influence corruption which was used by Government in certain seaports and other places where there was a great expenditure of public money; but if an independent Member happened to go into a miserable cottage in the place he represented, and finding a man lying in sickness and want, and performed toward him those Christian duties of charity and kindness which, he thanked God, had been early impressed upon his mind, and which he had never forgotten, that, he supposed, would be made a corrupt practice, and the Member would jeopardise his seat. Indeed it was highly dangerous now-a-days to give a voter even a pinch of snuff. He knew that to oppose such a Bill as this was difficult; but he could not allow it to be read a second time without expressing his deep regret that its provisions should be such as would prevent the slightest exercise of Christian charity by a Member towards his poorer constituents. Let the Bill pass, however, and he would go on as he had ever done. He had never been guilty of any mal-practices at elections; and he wished every Member had as clean hands as he had. He feared it would take an enormous quantity of soap to purify some of them. He had never controlled or restricted in any degree the humblest labouring man in his employ; and, let the consequences be what they might, he should never forget the duties every man ought to perform in this world towards his poorer neighbours.

Bill read 2°.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Thursday, March 25, 1852.

Minutes.] Public Bills. — 1ª Protection of Inventions Act, 1851 (Extension of Term); Consolidated Fund; District Courts of Bankruptcy Abolition.

2ª Common Inclosure.

DISTRICT COURTS OF BANKRUPTCY ABOLITION BILL.

Lord BROUGHAM said, he was about to present a Bill to which he begged the attention of their Lordships. They were aware that last Session there was a Bill of his before them on the same subject, in which some progress was made, but which was postponed in order that its important provisions might be fully considered during the interval between that and the present Session, and especially by those persons who were occupied in the administration of the law of bankruptcy and insolvency in various parts of the country. By the County Courts system—improved as it would be, should the Bill pass which their Lordships had sent down to the other House of Parliament, and still further improved as it was sure to be afterwards by new legislative enactments resulting from greater experience of its working—by this system of local jurisdiction inestimable benefits had been secured by bringing causes of small, he should rather say of moderate, amount within the means of suitors, without the expense and delay of having recourse to the superior courts. But this improvement applied only to cases of claims on solvent parties, or assumed to be solvent at the time of being sued. Where questions arose on an insolvent estate, in the cases of insolvent traders, there continued to be at this moment the same denial of justice as there had been in all others prior to the establishment of courts of local judicature. That was the necessary result of our having extended bankruptcy jurisdiction from the metropolis, where it had succeeded so well, to various parts of the country, by a measure introduced by his noble and learned Friend (Lord Lyndhurst), and passed in the year 1842, which undoubtedly had conferred advantages upon all creditors of insolvent traders. It happened, however, that that measure was extended to the country before the establishment of local courts. It was originally intended in his (Lord Brougham's) Bill of 1833, which never passed into law, that the local courts should have taken bankruptcy and insolvency, as well as ordinary debts; but as the Bill of 1842 for extending the new bankrupt system of 1832 to the country, was introduced some years before local courts were in existence, it was absolutely necessary to appoint local commissioners in bankruptcy in the different provinces. But the consequence was, that when in 1846 County Courts were established, there came to be two systems working at the same time, and both by local courts—the Bankruptcy Courts and the County Courts; and it was to see how far it was possible to amalgamate these two systems, that he introduced the Bill last Session to which he had referred. The difficulties he had never concealed—he was quite sensible of those difficulties—but he did not despair until the attempt had been tried and failed. One of the evils which had been pointed out by Lord Cottenham and others, was the great distance creditors had to travel to make proof of debts. Even in the London district the disadvantage was felt, and his proposed plan was then, and now by the Bill he was about to introduce, to greatly narrow that district. The grievance was yet greater in the provinces, where the distance was often a hundred miles from the creditor's residence to the court. The effect had been to render it impossible for small creditors to prove. In one case there was an estate amounting to 700*l.* to be divided; only two creditors under 10*l.* proved, and instead of paying 2*s.* 6*d.* or 3*s.* to the whole body of creditors, it went to pay 20*s.* in the pound to the petitioning creditor and to the two others. There was another case in the county of Leicester. The distance from the place where the general body of the creditors resided, to the court, was 112 miles; there were eighteen creditors; not one proved, and the whole estate was distributed, if it could be called distribution, by paying the petitioning creditor. Thus to the small creditor there was still the same denial of justice in bankruptcy which there had been to all small creditors before the system of local judicature. The Bill which he had now to ask their Lordships to give a first reading, was intended to effect a consolidation of the two systems, so as to give the County Court Judges, in the manner proposed by his Bill of 1833, and approved by the Commissioners in 1841, for certain purposes, jurisdiction in bankruptcy and insolvency, that, going round the district from place to place, they might so work the different fiats near the residences of the different creditors. He refrained from entering further upon the subject, as it would no doubt be fully considered when the Bill reached another stage. The noble Lord then *presented* a Bill to limit the Jurisdiction of Her Majesty's Court of Bankruptcy, to abolish the Courts of Bankruptcy for the Country Districts, and to give to the Judges of the County Courts Jurisdiction in Matters of Arrangement and of Bankruptcy in certain Cases.

Bill read 1^{a}.

INDIAN AFFAIRS—THE BURMESE WAR.

The Earl of DERBY rose for the purpose of making a request to the noble Earl opposite (the Earl of Ellenborough) on the subject of the question of which he had given notice, namely, whether Her Majesty's Government were prepared to lay before the House any papers explanatory of the grounds of the war with Ava. The terms in which the noble Earl had worded his question were at any rate premature, for they related to the "war" with Ava. Unfortunately there had been a hostile collision between forces of the two countries on two different occasions; but no actual war had taken place, and no declaration of war had been issued up to the time when the last accounts were sent from India. He therefore still hoped that such a misfortune might be averted. The first account of the proceedings in Ava reached the Government by the last mail, and only the day before the last mail to India started. The Board of Directors had, therefore, only a hasty opportunity of stating their opinion on the course pursued by the Governor General in India. As to the second collision, the Government had received accounts of it from the Commodore at Rangoon, but, as yet, no accounts of it had reached the Court of Directors from the Governor General of India. Consequently we had only imperfect accounts of it, and no opinion given by the Governor General of India in Council upon it. He (the Earl of Derby) was in a position in which he could only lay before the House —he would not say "garbled," but—imperfect accounts of these transactions; and therefore he hoped that his noble Friend would postpone the question of which he had given notice until the arrival of the next Indian mail, which probably, he had almost said certainly, would place us in full possession of the details of the case, and of the opinion formed upon them by the Governor General on the spot.

The Earl of ELLENBOROUGH said, that under the circumstances it was impossible not to comply with the request of the noble Earl, although unfortunately he could not concur in the hopes he expressed, as he had not concurred when the same hopes were expressed by the noble Marquess (the Marquess of Lansdowne) a month ago. It seemed that he (the Earl of Ellenborough) was correct, and the noble Marquess was incorrect, and he believed it would appear that he was still correct in his more gloomy anticipations. He was most anxious to call their Lordships' attention to the subject, not only with regard to what was past, but still more with regard to what was to come. Of course, he should now postpone his question, which he might convert into a Motion, in order to put the whole case before their Lordships. Would the noble Earl object to the 5th or 6th of April?

The Earl of DERBY had no objection to the 5th of April.

The Earl of ELLEBOROUGH, whilst on this subject, wished to offer a suggestion to the noble Duke at the head of the Admiralty, with reference to the position of the commanders of Her Majesty's ships in the course of the transactions now taking place. Inasmuch as the authorities in England and India had been without the smallest anticipation that the steps adopted at Rangoon would be followed by war, he thought, if possible, the Admiralty might have neglected to give instructions to the Commodore on the Indian station as to the course he was to pursue upon the occurrence of war. Their Lordships were aware that the Governor General of India had no power to give any instructions to the commanders of Her Majesty's fleets in that part of the world. The Admiral, in regard to the Governor General, stood in the position of the commander of an allied force—he could only offer suggestions—and it rested with the commander, at his discretion, to act upon those suggestions or not. He thought that was a position in which it was inexpedient for the public service that the commander of Her Majesty's ships should be placed. He did not think it fair that the officers of Her Majesty's ships should be placed in a position in which they could not receive positive orders to effect the purposes of the Government, which was practically the direct operation of leaving those orders to be sent only from England. It was not fair to leave the commander to act or not, according to his discretion; and he hoped the noble Duke would take care that by the next mail instructions would be given which would relieve our naval commanders from the anomalous position in which they were at present placed.

The DUKE of NORTHUMBERLAND said, that the commander of our squadron in those seas had acted upon a letter of instructions from the Governor General in Council, and those instructions had been faithfully adhered to, also by the Commodore on the station. It had been the custom, and it was now the case, that while the Commodore was at one part of the station, the Admiral was at the other. At present the Admiral was at Hong Kong, and the Commodore was at Rangoon, under the instructions of the Governor General in Council, which were considered as orders, as it was impossible to wait for orders from this country, which must depend on transactions from day to day. He did not know whether it had happened while his noble Friend opposite was in India, but it had been proposed that the Admiral should have a seat in the Council during the time of his command; but this was found to be inconvenient at a time when the Governor General was in the Upper Provinces. Certainly the Admiral could only fulfil his duties on that command by acting in accordance with the instructions of the Governor General in Council.

The EARL of ELLENBOROUGH feared the noble Duke did not understand that the Governor General had no power to give instructions—he could only offer suggestions—and no doubt the Commodore had faithfully acted upon the suggestions, which the noble Duke called instructions; but he might not have done so if he had thought those instructions were not such as he ought to obey. What he (the Earl of Ellenborough) asked was that he should be directed to obey them, and be held safe; and not, if he acted improperly in obeying or in not attending to the suggestions, be liable perhaps to punishment, certainly to strong animadversion. For the safety of the officer, he ought to know distinctly his position. He (the noble Earl) had no doubts on this subject. When he was in the Upper Provinces upon one occasion, his colleagues at Calcutta did give instructions to the commander of one of Her Majesty's ships. The commander represented the matter to the Admiral. The Admiral very properly remonstrated. The Council referred to him (the Earl of Ellenborough), and he told them that the only thing they could do was to apologise; suggestions and requests they might, but orders they were not competent to give. It might be proper to abolish that monstrous job the Indian Navy, and have only Royal ships. When he proposed to do so, he could have effected a saving of 100,000*l.* a year, and now he believed he could save from 150,000*l.* to 200,000*l.* a year. Until that was done, and until the officers could act under the instructions of the Governor General, they must be placed in an anomalous position.

The EARL of MINTO considered that the Admiral on the Indian station was in the same position as any of Her Majesty's commanders on any foreign station. They acted under the instructions of the Admiralty, and according to the desire of any of our foreign Ministers. To place the Admiral directly under the orders of the Governor General, might lead to great inconvenience, and he was not aware of any practical inconvenience arising from the present state of things.

LORD BROUGHTON confirmed the correctness of what had fallen from the noble Earl. He could state, from a communication which he had himself received before he left the Board of Control, that the Commodore at Rangoon had offered to act before he received any instructions from the Governor General. He had also received a letter from the present Governor General of India, in his official capacity, in which he complained of the anomaly in which Her Majesty's naval officers in India were placed, and in which he expressed a hope that when the new Charter of the East India Company came under discussion, that anomaly would be taken into consideration and removed.

LAW OF WILLS AMENDMENT BILL.

The LORD CHANCELLOR, in moving that the House go into Committee on this Bill, said that the first clause in it was the great object which he wished to carry at present. He should move in Committee that the second and third clauses should be struck out of the Bill; but he should afterwards introduce them in a separate Bill, upon which he should take the sense of their Lordships.

House in Committee.

Clause 1 read; Clauses 2 and 3 struck out.

LORD CRANWORTH said, he thought this clause, as now worded, would create as many evils as it was intended to correct—evils which he considered arose, not from the Wills Act (1 *Vict.* c. 26) itself, but from the construction put upon that Act by the Judges. The language of the Wills Act, as it appeared to him, was as clear and as capable of being understood by those who were not lawyers as any language which could be suggested. The object was to make it incumbent upon testators to sign their wills, which meant, to the ordinary understanding of mankind, to put their name at the bottom; and further, to put an end to this anomalous state of the law, that a will disposing of an acre of land must be attested by three witnesses, while the disposal of 100,000*l.* of money might be collected from scraps of letters and papers. He well remembered Dr. Lushington saying that an endless number of disputes had come before him as counsel and Judge, in which wills were established, and where it was at least doubtful whether the Court was not making a will for a person instead of taking his own. By the Wills Act, the testator was required to sign his will in the presence of witnesses, to secure him from having a spurious instrument passed off as his will after his decease. The object was most legitimate; and here he would remark that he never could concede the principle alluded to on a former day by his noble and learned Friend (the Lord Chancellor), as to the necessity of providing for the wills of persons made *in extremis*, when certainly the body, and probably the mind, was not in a fit state to give attention to the subject. He did not say that a man *in extremis* should be prevented making a will; but wills so made should be the exception, and not the rule. They ought to adapt their legislation to those persons who sat down in health and strength to make their wills, with no forms which were unnecessary, but only such as were calculated to secure their object. Nothing could be more clear than the language of the present Act. It declared—

> "That no will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; (that is to say), it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary."

If they had endeavoured to get language more plain or intelligible to non-professional persons, they could not succeed. However, unfortunately, the Judges of the Ecclesiastical Courts had raised many questions, and placed many difficulties, in the construction of the Act. He did not believe the same thing could be justly affirmed of the Chancery or Common Law Judges. The Ecclesiastical Judges held, the clause required that the signature should be at the foot or end of the will; and they declared that where a blank was left, so that matter could be interpolated between the signature and the will, the instrument was invalid. Perhaps they might be justified in such a decision; for unless some such rule was adopted, a door would be opened for great fraud. However, the Ecclesiastical Judges had gone to much greater lengths, and it was high time for the Legislature to intervene, for much injustice and suffering had been occasioned by the doubt and uncertainty which now prevailed. By his noble and learned Friend (the Lord Chancellor's) Bill, every will would be deemed valid if the signature was so placed either after, or following, or under, or beside, or opposite to the end of the will, provided that it were apparent that the testator intended to give effect to the writing, as his will by such signature. The wording of the clause was most important, and he would therefore call their Lordships' special attention to it. (The Noble Lord then read the clause as above.) The object which his noble and learned Friend had, was to include all the cases which had come before the Courts for judgment; he had carefully gone through all the decisions which had been made, and he says in this clause that the will shall be valid notwithstanding all those cases in which the Courts have held them not to be so. He (Lord Cranworth) ventured to submit that this would have the effect of raising new future difficulties, supposing cases would arise not provided for specially, as those recited in the Bill. He would therefore suggest to the noble and learned Lord, whose great and preeminent ability he fully recognised, whether it would not be better to shape the clause in more general terms, so that a will should be declared valid if the signature should, without any fraudulent intention, be so placed as to make it apparent on the face of the document that the testator intended to give effect to the writing as his will?

The LORD CHANCELLOR said, that as he had agreed to strike out the second and third clauses, the debate upon the principle involved in the measure came upon him by surprise. The noble and learned Lord was of opinion that the words of the clause whereby it was declared when a signature to a will should be deemed valid, would increase a hundredfold the difficulties which already existed, although it had been intended to remove them. All he could say was, if that were the case, he was a very bad draftsman indeed, and he would be glad if the noble and learned Lord would take the Bill into his own hands, and mould it into a better shape. But their Lordships might depend upon it that the language of the clause was perfectly correct as it stood. It declared that a will should be valid although the signature shall be upon a side, or page, or other portion of the paper or papers containing the will, and although there should appear to be sufficient space on or at the bottom of the preceding side or page upon which the will was written. The Bill declared wills valid notwithstanding the decisions of several of the Courts which had decided against their validity upon mere formal objections. Under this clause, therefore, that sort of objection would no longer prevail. His whole object had been to render wills, no matter how signed, valid against all technical objections—to render them indefeasible, provided it was apparent what had been the intention of the testator. If he were to adopt the suggestion of the noble and learned Lord, every objection which had already arisen would still have weight and existence. The general enactment in his clause had the effect attributed to it by his noble and learned Friend; but if he were to adopt the Amendment proposed, and strike out what follows, he would leave the law exposed to the like construction as had been adopted under the existing Act. The few lines which were objected to did not restrict the operation of the general enactment, but precluded the Courts from acting upon the rules which they had applied to the existing Act. The clause had not been adopted hastily, nor until he had been perfect master of all the cases which had been subject of judicial decision.

LORD LYNDHURST was understood to approve of the phraseology of the Bill as it stood.

LORD CRANWORTH said, that his object in wishing to make the language of the Bill more general was, to meet the well-known axiom at law—*Expressio unius exclusio est alterius.* He felt that if certain cases were provided for, all those which were not would still be subject to the old interpretation of the Courts, and thus future difficulties might occur. If the language were more general, and special reference to exceptions were avoided, such instances could not be anticipated. He had merely thrown out the suggestion; it would be for the noble and learned Lord to consider it. He saw very well why the clause had been framed thus specially. The acute mind of the noble and learned Lord wished to deal with all the decisions of the Courts, and to guard against their repetition.

The EARL of ELLENBOROUGH said, that it was extremely important that they should adopt a uniformity of language in the wording of this Bill, rendering it thus intelligible to all capacities. Now, he did not think that this uniformity of language was preserved. The Bill recited that a will should be valid although the signature should be placed among the words of the *testimonium* clause, or the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or should follow and be after or under or beside the names or one of the names of the subscribing witnesses. Now, to be beside or opposite meant two very different things. Noble Lords knew quite well that to sit beside or opposite each other meant widely opposite things. As this question had been raised, he would suggest that the best thing that could be done was, for the law Lords to meet in Committee, and settle the point among them, and whether the omission of any of those words would not tend to a uniformity as well as an intelligibility of expression.

The LORD CHANCELLOR said, that the words "opposite" and "beside" meant to include cases which had come under judicial consideration. The word "beside" provided for the signature being in the margin, close to the body of the will; the word "opposite" provided for a signature, for example, on the third page of a sheet of letter paper, where the will ends on the second page. The Bill had not been got up in a hurry, although for the public interest it was desirable that it should receive a speedy assent from the Legislature. It so happened that he had published a work upon wills, and he had given the question great attention, and had gone through all the cases with great care. With that amount of knowledge he came prepared to remedy a great evil, and he did not, therefore, expect the opposition which the Bill had encountered. It was his deliberate opinion that the phraseology as it stood was necessary to attain the objects which everybody admitted were most desirable.

Lord BROUGHAM declared himself in favour of the clause as it then stood. His noble and learned Friend felt indebted for the suggestions made, and would no doubt give them his consideration before the Bill came again under discussion. The words "opposite" and "beside," in his mind, were quite necessary to meet some cases which had been already decided. He deprecated earnestly any reference to a Select Committee, because the result of that would be great delay, and he did not think the slightest good would result from a reference to the Committee which had been proposed. He also deprecated delay as occasioning much and grievous injury to the large class of persons interested by the Bill.

Amendments made.

The Earl of Ellenborough

Clauses 2 and 3, as to acknowledgment and signature of will by the testator, and attestation of the witnesses, struck out.

Bill to be reported To-morrow.

CONSOLIDATED ANNUITIES (IRELAND).

Lord MONTEAGLE, having presented petitions from the Guardians of the Castlebar, Castlederg, and other Unions, praying for inquiry into the advances made in relief of the late famine in Ireland, moved for a Select Committee to which should be referred the Treasury Minutes providing for the debts due from counties and unions in Ireland, by the imposition of a consolidated annuity for a period not exceeding forty years. The noble Lord said the subject was one of the most important financial questions that could affect the sister kingdom. But he must guard against one misconception, before addressing himself to his argument. It was true that he considered the arrangments proposed by the Treasury for the repayment of these debts to be unwise and oppressive. He was not on that account forgetful of, or still less was he indifferent to, the noble efforts made by the people of England to relieve the calamity which had afflicted Ireland; he believed their efforts were unparalleled in the history of mankind; but he feared that our legislative measures were not characterised by as much prudence as the acts of private persons had been. The country and both Houses of Parliament were animated, he was convinced, by a sincere desire to relieve the most distressing calamity that had occurred in modern times to a civilised country; and he must not be charged as urging anything in the nature of an unreasonable complaint if he hinted that the interposition of the Legislature did not exhibit all the sagacity that might have been shown by Parliament on such an occasion. Our statutable interpretation was not quite so wise as it might have been, and the remedies adopted for the evils which afflicted Ireland, so far from working a cure, had too often been productive of great and lasting calamities. Grievous misrepresentation had taken place both in Parliament and in print. It had been said that all loans to Ireland assumed, before long, the form of gifts; and that those who sued for aid were, after a short time, found to repudiate that part of the obligation of a debt, which consisted in the duty of repaying it. Such a statement was a misrepresentation of the Irish character, and was at variance with the facts; he should have hardly thought it necessary to say a word upon it, in their Lordships' House, were it not that it was one of those fallacies which had been repeated and reiterated so often, that it had tended to exasperate parties on both sides of the Channel, creating a mutual estrangement which a knowledge of the truth would, he trusted, be calculated to dispel. With that object, he would submit a few facts to their Lordships, which, he believed, would be new to some among them, and which having himself verified, he could assure the House would be found correct. During the depressed condition of Ireland, from 1837 to 1852, very considerable sums had been advanced by way of loan to Ireland; and what was the result? Was it true that Ireland had shown any desire to cheat, to defraud, to evade the payment of what had been advanced, or to shrink from her engagements? On the contrary, there had been shown the most anxious desire and the most strenuous effort to meet them, even at a time when the people were overwhelmed with affliction, and were the victims of plague and pestilence. He would call their Lordships' attention to the fact, that the amount of the repayments which had been made by Ireland to the Exchequer, from May, 1837, to January, 1852, had not been less than 6,065,079*l.* There had been a repayment of the whole sum advanced on the credit of the rate-in-aid; 150,000*l.* had reached the Exchequer, an amount which might be found to exceed the debt. There had been an advance for improving the Shannon navigation of 313,000*l.*: of this sum 269,000*l.* had already been repaid; there had been further repayments of 180,000*l.* under the Temporary Relief Act, administered under the wise and benevolent management of his admirable friend, General Sir J. Burgoyne. There had also been repaid of the most questionable of all these advances, the Labour Rate, 285,000*l.* under the 9 & 10 *Vict.*, ch. 107; and 99,000*l.* under the 9 *Vict.*, ch. 1; making in these two sums a total of 384,000*l.* But much more than this had been done. Concurrently with these repayments, there had been collected in Poor Rate in Ireland between 1838 and 1849 above 7,000,000*l.* which sum could not be less at the present time than 9,000,000*l.* This sum had been raised by Ireland to meet the burden of her destitution in a comparatively short period, under Act of Parliament. This rate too, it should always be remembered, was a new tax. He begged to call the attention of their Lordships, more especially as being acquainted with the collection of rates in England, to one fact connected with this part of the Poor Law administration in Ireland, which presented a peculiarity not unworthy of notice. Of the total sum of upwards of 7,000,000*l.* assessed, 94 per cent had been collected and paid, and 4 per cent was carried on, and included in the current rate, so that on the whole 7,000,000*l.* 2 per cent only was lost on the total amount of the rates. This was at the very time the country was suffering the calamity of famine, when her valued income had fallen off one million and a half, and her population had declined 1,659,000 in about six years. It was but doing justice to the efforts made by Ireland for her destitute population to state these facts. It would be but wisdom on the part of England to remember and acknowledge them. The same efforts were made with respect to the rate-in-aid, a tax most justly unpopular in itself, which had no warrant in experience, and which could only be justified by the exceptional nature of the case. The amount assessed was 421,990*l.*, and of this amount 384,295*l.* had been received up to December, 1851, leaving only 37,600*l.* outstanding at the close of last year, which it was probable was paid off in full at the present moment. He stated these facts to show that Ireland had some claim on the respect as well as on the sympathy of this country, and with a view to remove the difficulty created by false impressions in respect to the exertions made by the Irish people to repay what was lent to them. After the facts he had stated, he did not consider that the Irish, then, were suing as fraudulent bankrupts. Had that been so, and had he (Lord Monteagle) been about to ask their Lordships to assist Ireland in rejecting the obligations of a just debt, he could not expect a dispassionate hearing; he could hardly expect that they would consider the object as fit to be inquired into; but unless it was clear the debt was due equitably and fairly, and that it ought to be enforced, that House would, he was sure, agree with him that it was necessary to give the subject a full discussion and their candid consideration. It must be admitted that the calamity of the famine pressed with peculiar severity on Ireland, in consequence of its being almost exclusively an agricultural country. Her resources had been diminished by the very circumstances which augmented the demand upon them. It was far worse in Ireland than such a calamity would have been in England—a country possessing vast commercial resources, and great manufacturing wealth; while in Ireland the whole property of the country was agricultural, with the exception of some favoured districts in the north: the destruction of the national resources had, therefore, been almost universal. The loss in a single year in the potato and oat crop had been estimated by a high authority in that House (the Marquess of Lansdowne, Jan. 25, 1847) at 16,000,000*l.*; or from 8,000,000 to 9,000,000 tons of food, the produce of 1,500,000 acres of arable land. He would prove what effect the famine had in depreciating the value of land from the altered valuation for the poor-law. In 1848 the land of Ireland was valued to the poor-law at 13,076,000*l.*, in 1851 it was valued at 11,580,000*l.*; thus showing a reduction in that short time of about 1,500,000*l.* sterling, or more than 10 per cent on the wealth of the whole country; this falling off was the more striking as it took place some years subsequent to the legislative measures of Sir Robert Peel, facilitating the introduction of foreign produce. The reduction was about ten per cent on the whole of Ireland; but it had, in fact, been infinitely greater in particular districts, for the calamity had not been uniformly felt, but it had fallen with much more severity on Munster and Connaught than on Ulster, which had stood its ground bravely, and on Leinster, which had not suffered to the same extent. From 1848 to 1851 the rental of Munster and Connaught had sustained a loss of 1,026,000*l.* on a valuation of 5,199,000*l.*, which was of about twenty per cent, or nearly double the general loss on the whole of Ireland. This would be still more felt in considering lesser districts. Clifden Union had fallen in value from 20,400*l.* to 13,600*l.*; Loughrea from 83,000*l.* to 57,000*l.*; Tuam from 71,000*l.* to 57,983*l.*; and the depreciation would be still greater, as he believed, in the electoral divisions. There was, again, another and a more painful criterion of the results of famine, afforded by a comparison between the census of 1841 and that of 1851. This admitted of no mistake. The population, which had increased at the rate of 14 per cent between 1821 and 1831, and at the rate of 5 per cent between 1831 and 1841, had fallen twenty per cent between 1841 and 1851. There were now 1,600,000 fewer living persons in Ireland, than there had been in 1841; and the existing population was actually less than it was thirty years ago. He admitted that much of this decrease had been caused by emigration: this was not altogether a healthy emigration. In too many instances a prejudicial emigration had lately taken place from Ireland. There were numerous cases in which emigration might be an advantage both to the country from which it proceeded, and to that to which it set. But when the emigrants removed from their native country a larger portion of capital than was retained by the population as compared with the numbers taken, and left, it was evident that such an emigration must be prejudicial; if emigration removed more in numbers than it withdrew of capital, the case was reversed. Now, the class that had left Ireland were often the class she ought to retain, and they went to a country which did not require the introduction of capital so much as the introduction of labour. The people of Ireland had gone out to a considerable extent, and they had taken with them more than their proportionate amount of capital, enterprise, and industry. The depopulation, like the depreciation of value, was most unequal. In Connaught, it showed a decrease of 28 per cent; in Leinster, of no more than 15. He would now return to the debt, having proved the reduced resources of the country. An Act, the 13 *Vict.*, c. 14, was passed, granting a sum of 300,000*l.* to relieve the most distressed unions in Ireland from the demands of the contractors, and to secure the repayment of the advances so made. This was consolidated with the other demands, and was dealt with by the 13 *Vict.*, c. 14, the Act to which he now called their attention. This consolidated debt consisted of the following sums:—

1. Workhouse Building Leases .	£1,122,706
2. Temporary Relief Act . .	783,128
3. Labour Rate Act . . .	2,046,785
4. Advances for Public Works .	170,232
5. Contractors' Debts . .	300,000
Total Debt . . .	£4,422,851

This is proposed to be repaid by an annuity of 245,061*l.*, for terms extending to forty years, interest being charged at 3½ per cent, increasing the sum to be paid from upwards of 4,000,000*l.* to 7,000,000*l.* The statute under which these annuities are created gave power to the Treasury of a most extraordinary kind. At the end of every clause, and repeated sometimes three or four times in one clause, there was a provision that the matter should be settled as the Lords of the Treasury should see fit. There was no power reserved for Parliamentary revision, and no appeal. The Act of 1850 was objected to by many noble Lords during its progress through their Lordships' House; but being a Money Bill, they had no means of proposing any amendments; and if they had stopped the Bill altogether, they would have deprived the people of Ireland of the relief they were fairly entitled to expect, and which was included with the other clauses. The first Treasury Minute was founded on the laborious calculations of very able men: it required the respective sums to be repaid, in some cases in forty, some in twenty, some in fifteen, and some in ten years. That Minute was directed to be carried into effect at various times in the last year, and sealed orders were sent to the different boards of guardians, imposing heavy and most unequal annuities on the unions, electoral divisions, and even on the separate townlands. Those orders were received like a thunderstroke. The boards of guardians preferred the reasonable request that they should be informed of the particulars of the debt claimed. The least that in reason could be expected was, that the party making the claim should inform the party required to satisfy it what were the purposes to which the money had been applied. This information, however, had not been fully afforded, and even gross imputations had been thrown upon the Boards of Guardians in Ireland, as if they had refused to pay their just debts, because they had respectfully asked to be informed of what items the sums demanded of them consisted. He (Lord Monteagle) thought that the Treasury had made a serious mistake in issuing those orders without having first carefully ascertained not only the arithmetical correctness of their award, but their power of enforcing it; or, in other words, the equity of the claims, and the power of the distressed unions to pay. This was neglected. Many different Boards vehemently protested against the Minute, and some of them went further in their language than he could himself have recommended, or was disposed to justify. These awards and sealed orders were necessarily reconsidered in Whitehall. The result was, that the Treasury, finding upon inquiry that the charges were too great to be enforced, were obliged to issue a new Minute, dated the 21st of October last, which altered the whole principle of their previous awards. It involved an abandonment of that principle in 860 electoral divisions. The principle of this second award was, that when the union expenditure had amounted to 4*s.* in the pound, the claim for the annuity ceased altogether; and in other cases the claim was reduced, so as to bring the rates within the 4*s.* in the pound. This had certainly given relief to many of those districts of Ireland which were the most distressed; and he presumed that though limited to only one year, the principle was necessarily applicable to future years. It was open, however, to a manifest objection: in unions where the law was administered by the owners of the property, there was a temptation held out that, by raising their rates beyond 4*s.* in the pound, they might escape the payment of the annuity. He had hitherto dealt with this debt generally. He now came to the main point—he meant the question of the advances which had been made under the Labour Rate Acts. The sum that was claimed as the balance of this debt was 2,456,785*l.* That sum was so excessive, that no individual in his senses could ever have dreamt of enforcing the repayment of the whole amount originally advanced. The proposal to take repayment by annuity was therefore made for the benefit of the lender, not the borrower, who in his equivalent annuity is loaded with interest for forty years at 3½ per cent. While they were not unmindful of the concession which had been made, these debts, their Lordships should be reminded, were not contracted by local authorities, but by officers appointed by the Government; and when landowners and occupiers felt it necessary to call the attention of the public officers to abuses prevailing under the system, so far were they from receiving such representations with candour or courtesy, that they were told to mind their own business, and were reminded that the officers of the Government were alone responsible. It had been alleged that the country gentlemen of Ireland had sought to direct the operations of the public works' system to their own benefit; but so far from that being the case, works had been forced upon the country contrary to the desire of the owners and occupiers of land—works which were entirely the acts of the Government. These works were, in many cases, began and continued at the desire and under the authority oft officers of the Government. Their Lordships would be surprised to hear the manner in which in some instances the system was made to work. To his own knowledge a special session was on one occasion called, as suggested by the officer representing the Board of Public Works; an additional charge upon the county was recommended solely for the purpose of completing certain works already in progress. The necessary order was made by the session; but what was the fact? The board never completed the works in question, the whole money raised under the order being applied to the squaring of accounts relating to former undertakings. In making this statement he did not intend to cast any imputation upon the gentlemen who were at the head of the Board of Public Works. He attacked the system. It was impossible, with so unmanageable an establishment, having 15,000 officers employed under them, and there being no less than 750,000 labourers subject to their authority, that the system could be worked without irregularity and abuse. Better men than the Commissioners did not exist. But they were called on to discharge functions infinitely beyond all human powers. Under these circumstances he (Lord Monteagle) thought he had said enough to prove to their Lordships that the subject was one worthy of inquiry. The noble Lord then moved the appointment of a Select Committee.

The Earl of DERBY: My Lords, it is not my intention to enter into any discussion with regard to the details into which the noble Lord has just now so fully gone. He has stated very fairly the different circumstances and the different charges which made up the sum of these annuities, and I am ready to agree with him, in the first place, that he has laid down a sufficient ground for an inquiry, at all events into the question of the propriety of the enactment, or of that portion of it, at least, which appears to give encouragement to an extravagant expenditure, for the purpose of evading the just payment of debts due—I mean that portion of the enactment by which it is provided that annuities shall cease to be paid, not in that particular union, but in any electoral division of a union where the annual amount of expenditure shall reach to a certain height. I think that this is a question which certainly deserves consideration; and, on the other hand, I think it deserves consideration whether there may not be some allowance made on this occasion, and particularly in cases relating to that class of charges which have mainly been incurred, as the noble Lord stated, by extravagant expenditure. Undoubtedly there has been, perhaps unavoidably, a considerable waste; it may be true, also, that these works have not been so beneficial to Ireland as they might have been, and that they have not been conducted under the control of local authorities; but, at the same time, it must be recollected that these works undoubtedly were undertaken for the purpose of maintaining and keeping alive the people of Ireland, who, had they not been undertaken, must either have been maintained in idleness, or left without subsistence. I entirely concur with the noble Lord to the full extent, that it is right that parties should have full particulars of the amounts, the repayment of which is demanded from them. I have myself made some inquiries with regard to a portion of those charges, and though I experienced no difficulty in obtaining a statement which fully satisfied me, yet I think there may be some difficulty in obtaining such a statement as the noble Lord requires. This, however, is a point for the consideration of a Committee which should fairly and impartially examine into the case. On the one side, I am glad to hear my noble Friend declare that he has no intention, upon the part of Ireland, to ask for a remission of the debts justly due from the people of that country, for which they have not only had value received, but from the original expenditure of which the country itself has greatly benefited; and, on the other hand, I am quite sure that your Lordships are prepared to give a deliberate and fair consideration to the claim arising out of the expenditure of sums over which the population of Ireland have exercised no control, more especially if, on the inquiry of a Committee, it should be proved that great abuses prevailed in the expenditure of that money. At the same time, I must beg your Lordships and my noble Friend to bear in mind, that if there have been abuses in the expenditure, there have been, on the other hand, large sums gratuitously conferred upon the people of Ireland, which ought, at any rate, to be taken as a kind of set-off against a portion of those sums, in the management of which my noble Friend contends there have been abuses. It does not follow that, because you may prove a certain amount of abuse, you are, therefore, to claim on the part of Ireland an allowance proportionate to the full extent of that abuse. Undoubtedly, on the one side, the involuntary and compulsory nature of those charges ought with fairness to be taken into consideration; but, on the other hand, we ought to take into consideration with equal fairness the amount of assistance which Ireland, in her utmost need, has received from the liberality and generosity of this portion of the country. I think it would be the duty of a Committee to examine into and to sift these accounts, to strike a balance fairly and justly, and then to report to Parliament the result of their deliberations, with a view to take such further measures as the equity of the case shall seem to require. Under these circumstances I shall offer no opposition to the Motion of my noble Friend: on the contrary, I think the subject is one upon which an inquiry will be most fitting and advantageous.

The EARL of GLENGALL said, he thought the appointment of a Committee would be received with satisfaction in Ireland. The question which the House had to consider was this. Here were four millions and a half of money to be paid by the Irish people, but seven millions and a half were charged, including the interest—so that by some means or other the four millions and a half had been swollen up to seven millions—rather a Jewish rate of interest—and he thought it fortunate for those who attempted to put the claim in force that the usury law had been repealed. Last year not less than 1,100,000*l.* was raised by poor-rates in Ireland, besides which these advances and rates-in-aid had to be paid; and he looked upon it that it was morally and totally impossible for those unions and districts—he might call them counties—which were charged 5*s.*, 6*s.*, 7*s.*, and 8*s.* in the pound, to stand against the pressure of such an enormous amount of taxation as that—5*s.*, 6*s.*, or 7*s.* in the pound! Why, where was the pound? In his opinion the pound was not there at all, because the lands were completely devastated, and whole tracts of country were, in consequence of the weight of taxation, left without either a beast or a blade of corn. In the west of Ireland (especially in a great part of Munster) the land was in a condition of absolute waste; and so long as the crops and stock were liable to be seized at any moment for the poor-rate, the county cess, the rate-in-aid, or the tithe, so long, he feared, would that waste continue. Men talked of 5*s.* in the pound as if that was not very much after all; but the reason no more was imposed was, because the Irish unions were able to pay no more. To maintain their poor, indeed, they required 25*s.* and 30*s.* to the pound. The consequence was, that they could not support their poor, and thus the country became a vast waste, and nobody would buy the properties in those parts. True, the Encumbered Estates Courts were invented for the purpose of introducing new settlers into the west of Ireland; but it was an indisputable fact, that that was the very district to which new settlers did not go. At one time a plantation in the west of Ireland was talked of, and certainly in carrying out such a scheme the difficulty of supplanting the old population would not have to be encountered; for the old population were dead, or gone to America, and not a beast was to be seen in the country, nor a human being for miles together. In such a state of things, therefore, the actual amount of rates which were levied was no test whatever with regard to the wants and requirements of the poor. Last year there were 780,000 persons in the Irish workhouses—a greater number than they contained in the year 1841. Thus pauperism in Ireland might be said to be increasing. And why was that? Simply because there was no employment for labour in that country. Nobody wanted labourers now that the cultivation of corn and grain had been given up. The people were, therefore, compelled to go into the workhouses, and there, fed upon Indian meal, which produced dysentery, they died at the rate of a thousand a week! That was the result of what was called the system of supporting the poor, introduced by Mr. Nicholls, which had been lauded as such an admirable system. The reason of this want of employment had been thus described by Sir Robert Peel: "I do not believe," said he, "that so large a number can be reduced from comparative comfort to indigence and destitution from any other cause than by the displacement of so large a quantity of labour employed in the cultivation of wheat." Now, in 1850, there were 139,000 Irish acres of wheat under cultivation in Ireland less than in the year 1847, and the value of that was 1,300,000*l.* From 1841 to 1845, of grain generally, there were exported from Ireland into England 14,600,0000 quarters; but from 1846 to 1850 there were only 7,500,000 quarters, or exactly one-half the quantity exported in the preceding period. Of wheaten flour Ireland exported to this country 779,000 quarters in 1845; but in 1850 the quantity had fallen so low as to be only 168,000 quarters. Again, coming to the great trade in bacon and salt pork, in 1847, Ireland exported to England 480,000 pigs; but in 1850 the number was 109,000 only. So that, in these three items alone, they had sustained an absolute loss that might be estimated at 3,000,000*l.* or 4,000,000*l.* annually. In such circumstances as these, it was utterly impossible to go on. In fact, the country was in a state of ruin and depression, which it was perfectly awful to contemplate. Then there was the salt beef and provision trade, in which hundreds of thousands of pounds were at one time annually spent for the Navy contracts. But all was now gone; and why? Because, following out the principles of free trade, the late Board of Admiralty preferred sending to Galatz, in Wallachia, for their beef, instead of to the city of Cork. He trusted, however, that the new First Lord of the Admiralty, who was a Protectionist, would have the kindness in future to deal with the city of Cork. The fact was, that in Ireland they had been endeavouring to accomplish an impossibility by making the poor support the poor; and in the attempt they had reduced all classes to pretty much the same level. It was said that the property ought to support the poverty of the land; but, unfortunately, they had destroyed the property and left only the poverty. Take the principal towns in the United Kingdom—take even London itself—there had been as many failures within the last three months as had ever occurred before in the most disastrous periods of their commercial history. In the main streets of the principal towns numberless shops were closed. He was speaking recently to a Leeds manufacturer, who was one of the largest woollen merchants in the world, and he told him (the Earl of Glengall) that there was not a single place to which he went in the way of his business that he did not find the one general cry of great distress. Everywhere he found shops closed which had once carried on a most flourishing trade. Now this was as much an English question as an Irish one, and he wished their Lordships would look at it in that sense. Before free trade was made the policy of this country, the people of Ireland used to export to England about 10,000,000*l.* worth of produce, and received in return between 10,000,000*l.* and 11,000,000*l.* of English manufactures—in fact, about 1,000,000*l.* was the balance of trade between the two countries. The Chambers of Commerce in the seaports of Ireland had lately published a report in which it was stated that there was a falling-off during the last few years of English manufactures sent to Ireland of over 4,000,000*l.* It might seem a singular fact, but so it was, that there was not a single manufacture consumed and used in Ireland, with the exception of the linen trade in the north, that did not come from England. Every article that they could name, from the steam-engine to the commonest nail that was put into a man's shoe, came from England into Ireland. It was idle to say that the landlords had done all this mischief by compelling the people to run away from the country. It was the policy of the last few years that destroyed the Irish market, and the free-traders themselves were the losers by it. Now it was impossible for them to go on any longer in this way. The more Ireland was distressed, the more they seemed disposed to tax her. The system of Dr. Sangrado was considered the best for Ireland; he bled and bled until the patient died, and then he said that the patient died because he did not bleed him enough. So with Ireland—the more distressed she was the more they thought they ought to bleed her. When he saw the bone and sinew of the country leaving her, and when he reflected upon the misery that prevailed, he felt quite disgusted at this state of things.

Motion *agreed to.* Committee named: Petition referred to the said Select Committee.

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Thursday, March 25, 1852.

MINUTES.] NEW WRIT. — For Monmouth, *v.* Reginald Blewitt, Esq., Manor of Hempholme.
PUBLIC BILLS.—1° Differential Dues.
3° Indemnity.

METROPOLIS WATER SUPPLY BILL.

LORD JOHN MANNERS moved, "That it be an Instruction to the Committee of Selection that they have power to fix the Committee on the Metropolis Water Supply Bill for Thursday, the 1st day of April next." In doing so he wished to state that he did not pledge himself to support the measure introduced by his noble Friend who preceded him in office (Lord Seymour), because in one important item—that relating to the scale of charges to be made by private companies—the present Government dissented altogether from what was proposed by his noble Friend.

Mr. BAILLIE COCHRANE said, he believed that this Bill, which had originated with the late, and been taken up by the present Government, would not remedy any one of the evils under which the metropolis was suffering from the present bad supply of water, both as to quantity and quality. It did not even go so far as to compel the companies to provide a supply to every house. The 17,400 houses which were now without any supply of water would remain so under this Bill, which merely required that a supply of water should be afforded in any locality, on the requisition of a majority of the ratepayers. Again the source of the supply was still to be the Thames, which all competent authorities had joined in condemning, and no provision was made for the supply being continuous instead of intermittent. The average rate charged for water by the present companies was 7½*d.* per week per house, whereas the evidence which had been taken on the subject showed that it ought not to exceed 2*d.* per week per house; and the Soft Water Company undertook to supply clear and pure water, of the best quality, drawn from the Surrey Sands, at an average charge of 1*d.* per week per house, and another penny for compensation to the old companies, making 2*d.* in all. The sufferings to which the poor were subjected in such localities as Jacob's Island, where they were compelled to drink the filthy water from the ditches, it was impossible to describe; and as to the quality of water supplied by the present companies, it might be judged of from the fact, which was admitted before the Committee, that one of the reservoirs of the New River Company had not been cleaned out more than once in a hundred years. He would urge on the Government the necessity of bringing in some effective measure for ensuring a supply of water to the lower classes. With regard to the present Bill, its only use appeared to be to perpetuate the existing system.

Lord JOHN MANNERS begged to explain that the step he now proposed was necessary in order that all the Water Bills should go before the Committee to be judged of on their respective merits, in the hope that some check might be placed on the evils of which the hon. Gentleman (Mr. B. Cochrane) complained. With regard to the charge, had the hon. Gentleman attended to what took place in that House, he would have known that he (Lord J. Manners) had only last week laid on the table a scale of rates at which the poorer class of houses would be supplied, and which he could not but believe would be satisfactory to those for whose benefit it was proposed to legislate.

Viscount EBRINGTON said, he might have complained that this great public measure—for it could not be called a private one, affecting as it did the health and comfort of nearly 2,500,000 people—had been dealt with, in regard to its principle (it had been read a second time on the previous day without a word), as though it were a mere Turnpike Road or Marsh Drainage Bill, without notice or discussion. He protested against this Bill being sent to the Committee upstairs without a previous discussion on its principle, which was opposed to the recommendation of all the various bodies who had inquired into the subject, from 1828 to the present time, and also to the Bill of the Government of last year. At all events, he hoped that a full discussion would take place when the Bill came back to the House. He had no objection to the present proposal, that all the Water Bills should be referred to the same Committee.

Mr. T. DUNCOMBE said, he considered it of great importance that the question of the water supply to the metropolis should be settled; and there was no prospect of their coming to an early and satisfactory settlement in the way they were now going on, for it was not likely that the inquiry by the Committee would terminate in sufficient time for any measure to pass in the present Session. Last year a Committee sat for six weeks, and collected much valuable information on the subject, and it was to be regretted that the Chairman of that Committee, the right hon. Member for Ripon (Sir J. Graham) did not preside over the Committee of this year. There was evidence enough already of the evil, and the only question now was as to the remedy. The subject was one for the Government to deal with, and he regretted that the Government Bill had not been the only one referred to the Committee. What right had the old water companies to have their Bill sent to the Committee? It would have been as reasonable, if, because a Bill for the protection of life from railway accident were referred to a Select Committee, every Railway Bill brought before Parliament were also referred to it. Let the old water work companies take their Bills before another Committee, and there squabble and fight as much as they pleased; but let this measure, which was to over-ride them all, be settled by itself and upon its own merits. He would move as an Amendment that the Committee have power to take evidence, and that they be instructed to confine their attention to this Bill only.

Amendment proposed—

> "To add to the end of the Question the words 'and that they have power to send for persons, papers, and records, and confine their inquiry to the Metropolis Water Supply Bill."

Question proposed, "That those words be there added."

Sir JOHN JOHNSTONE did not think a discussion on the subject of Water Bills could be satisfactorily conducted in that House. He considered the noble Lord (Lord J. Manners) had been somewhat hasty in placing before the House and the public a scale of charges which, if enforced as against the water companies, would amount to confiscation of their property. He could hardly understand how it could be said that those companies had not a *locus standi* before the Committee, seeing that their private property was so materially to be interfered with. He hoped the House would not place too much reliance on what the Board of Health stated with reference to the existing water supply.

Mr. SPEAKER said, that the Amendment of the hon. Member for Finsbury was irregular; it must be put as a substantive Motion, and notice given.

Mr. T. DUNCOMBE said, he would give notice, then, for To-morrow.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to.*

LONDON (WATFORD) SPRING WATER COMPANY BILL.

Order for Second Reading read.

Mr. H. T. HOPE, in moving the Second Reading of this Bill, said, the promoters proposed to draw a very large supply from the neighbourhood of Watford from an extensive range of chalk hills surrounding that place. Besides the districts of London which it was intended to supply, the plan embraced no less than ten or twelve places, containing upwards of 50,000 persons, either ill supplied with water, or not supplied at all. They had the best authority to prove that the water could be obtained from the district and in the manner proposed. Mr. R. Stephenson, in his report on the subject, said—

> "1. That the chalk is the 'great water-bearing stratum' underlying the London clay, and from which all the Artesian Wells, directly or indirectly, draw their supplies. 2. That below the level of its natural drainage of the country, it is charged with an enormous quantity of water, which may be obtained with extraordinary facility by pumping. 3. That the quantity obtainable from shafts is amply sufficient to meet the object contemplated by the company."

As to the quality of the water, he believed the promoters would be able to satisfy a Committee upon that point, for it was such as he believed no other source in the country could produce. The right hon. Baronet the late Home Secretary (Sir G. Grey), on the 23rd of January, 1851, appointed a Commission of three of the most eminent chemists to examine into the quality of the water which it was proposed to supply to the Metropolis; and these three gentlemen reported that the inhabitants of London had within their reach, "in these chalk strata, a supply of water which is asserted, on good authority, to be inexhaustible, and which may be considered as everywhere of an uniform composition and quality." An important question here arose: the Metropolis complained of the quality and price of the water supplied; the inhabitants at present were charged one shilling and three-fourths of a penny for every 1,000 gallons; while this new company undertook to supply a better quality at fivepence per 1,000 gallons. Was not this worth the attention of the Legislature? He had been given to understand there was to be an opposition to the Bill. Now the promoters were private individuals, who had no very great means of incurring expense before a Committee, and did so entirely at their own risk; while the opponents of the scheme were companies of great wealth, power, and influence. He asked the House, however, not to throw out on the second reading this, which was the only Bill relating to the Water Supply of the Metropolis which had not passed through this stage, and which it was believed by the promoters would contribute so considerably towards the sanitary improvement of the metropolis.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. HALSEY said, he must oppose the Bill, and should move that it be read a second time that day six months. The measure was opposed by every single landowner and millowner residing on the banks of the rivers and streams touched by the works of this company; but it was not merely upon the details, but upon the principle of the Bill that he objected to it. He admitted a great part of what his hon. Friend (Mr. H. T. Hope) had stated. He admitted that the water supply of the Metropolis was defective; but although this might be the case, it was of even more paramount importance that in accomplishing their object the promoters of this Bill should not infringe on the rights of others. The works proposed would, by withdrawing the water from the district round Watford, do a great and irreparable injury over a large extent of country. The promoters proposed that if the level of the water in the wells from which the inhabitants drew their supplies should be reduced, they would either sink the wells deeper, or give them a supply of water. This was an acknowledgment that injury would be effected; but there were other places than Watford affected by the plan, and no compensation was offered to any but the inhabitants of Watford. The effect of this Bill would be, if passed, that the company would be placed beyond the reach of the Common Law. If an individual were to form a well of the sort contemplated by this company, and were to drain off the supplies of others, as he believed would be done in this instance, he would be liable to be called on in a Court of Law to give compensation to those whom he had injured; but this company desired now to be protected against the consequences of their own acts. The House had been told of the cheap rate at which this company would be enabled to supply their water, and no wonder, when they got it from other people without paying for it. He hoped the House would not, for such a scheme as this, put the opponents of the measure to the expense of going before a Committee.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BAILLIE COCHRANE thought that if the House threw out this Bill they would refuse a possible remedy for one of those crying evils which the populous districts of the metropolis had suffered from so long.

MR. STEPHENSON said, he had devoted a great deal of time to the examination of this project, and had given it his most serious consideration. He would not pledge himself to the allegations of the promoters of the Bill; he merely rose to assure the House that it possessed merits which ought to be discussed before a Committee. The result of his late investigation was to lead him to the conclusion that the proposal was well worthy consideration. No one was prepared to deny that the supplying of the metropolis with good water was most desirable; and on that ground the proposal ought to be examined by a Committee.

SIR ROBERT H. INGLIS wished to ask three questions of the hon. Member who had moved the second reading: first, whether the supply of water was to be procured by digging a well 600 feet deep; secondly, whether an experiment lately made by the company did not result in drying up some wells in the neighbourhood; and, thirdly, whether a similar Bill had not been rejected by this House on a former occasion? Unless these three questions could be answered in a satisfactory manner, he could not support the Bill.

MR. H. T. HOPE said, he understood that it was proposed to sink a well, but the depth he was not prepared to state, though he believed it was not so deep as had been suggested by the hon. Member for the University of Oxford. As to the second question, he could only speak to that which he had been advised, and he was told that the experiment had been attended with perfect success. The third question was, whether a similar Bill to the present had not been thrown out on a former occasion by the House; but it was so thrown out in consequence of the Government having a Bill of their own for the supply of the metropolis, not upon its own merits. Having answered the questions of the hon. Member, he hoped he had established a claim to his vote.

VISCOUNT EBRINGTON thought the House could have no better proof than this discussion afforded of the unsatisfactory state of the whole question. The House had adopted no intelligible line in dealing with this question. It was said by some hon. Gentleman, in proof of the necessity for this Bill, that the water supplied to the metropolis was not only deficient in quantity but bad in quality. But it was proved that an enormous proportion, say two-fifths, of all the water supplied to the metropolis, was not consumed for manufacturing or domestic purposes, but either ran into the sewers, or saturated all the land. This process was going on upon the south side of the Thames, so that you had in the districts most densely inhabited a superabundance of water in the soil, which the landlords in other parts of England were receiving advances from the State for getting rid of. The district south of the Thames might indeed be said to be waterlogged, by the millions of gallons pumped into the district, which there were no available means of getting rid of. So far as quantity was concerned, an additional supply, therefore, was not necessary for London. As to the badness of quality, he would only observe, that although the noble Lord lately at the head of the Board of Works (Lord Seymour) had thought fit to set aside the elaborate researches of his colleagues, collected by scientific men, and affirmed by his predecessor (the Earl of Carlisle), with regard to the immense expense and extravagance of hard as distinguished from soft water, the inconvenience found in washing with it, its costliness in the wear and tear of linen, and in the increased consumption of soap and tea which it required—although the noble Lord had set aside so summarily the facts collected by his predecessor, and to the truth of which he gave his high authority, yet he (Viscount Ebrington) was not prepared to deal so lightly with the concurrent authority of so many eminent men. He therefore objected to supply the metropolis with so bad a quality of water as a hard chalk water, when there were easily accessible supplies of a better character. He objected to referring these separate Bills to a Committee, instead of referring the whole subject to a Committee. If hon. Members disregarded the evidence of eminent scientific men, let them have the Report of a Committee of their own body, which would enable them to come to some conclusion with regard to these multifarious Bills. In the year 1823 a Committee appointed to consider the supply of water to the metropolis, reported that the usual laws of supply and demand, and the ordinary checks of competition, did not apply in this case. All the evidence of scientific and thoughtful men who had since devoted so much attention to the subject, confirmed that view, so taken thirty years ago by a Committee of that House. He was not unfavourable to local self-government. The supply of water and the drainage were essentially municipal functions. He desired to see no monopoly, but he wished to see competition for the field, and not in the field. He wanted to know who would do the work in the best manner and in the cheapest way. He only wished to put an end to the system of companies starting with competing powers, and then coalescing and taxing the ratepayers of the metropolis for the supply of water, the only result being to multiply the capitals employed, and to make the public pay the interest and profit upon each.

Mr. BAILLIE said, the question was, whether a company in this metropolis had the right to sink a well where they pleased, and to rob all the surrounding country of its water, against the wishes of the inhabitants. The House had already decided, on a former occasion, not to entertain this Bill, and to that decision he trusted they would now adhere.

Sir ROBERT PRICE thought it impossible to get a better supply of water than would be given under this Bill. He should support the second reading.

Mr. MACGREGOR said, the people in the Kensington district were not half supplied with water. If this project was carried out, as he trusted it would be, the Bayswater and Kensington districts would be amply supplied with water, as would a great number of people who were not sufficiently provided with that necessary element at present. He trusted the House would, in common justice, allow the Bill to go to a Committee.

Mr. T. DUNCOMBE would support the Bill. It was a strong argument in its favour, that it was strenuously opposed by the old companies, who had been at all times the fosterers of monopoly and the champions of peculation, and who deluged the Members of that House with a flood of documents hostile to the Bill. He was credibly informed that no fewer than eighty-six Members of that House had a direct pecuniary interest in the old companies; and if the fact were so, the hon. Gentlemen in question would best consult their own dignity and the character of the House, by abstaining altogether from voting.

Mr. HUME thought that the matter to which the hon. Member for Finsbury had alluded, was one which was of the greatest possible importance to the dignity and honour of the House. If it were true that there were in the House eighty-six Members who had a pecuniary interest in the old companies, it was equally certain that those Members were bound in honour and common decency to abstain from voting. It was a constitutional doctrine of that House that no Member should vote on a question in which he was personally interested; and he (Mr. Hume) would challenge the votes of all who might violate so salutary a maxim. For himself, he would not hesitate to vote in favour of the second reading, for he thought it was only right that a Bill so plausible in principle should at least obtain a fair trial.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 196; Noes 65: Majority 131.

Main Question put, and *agreed to;* Bill read 2°.

THE MAYNOOTH GRANT.

MR. KEOGH: Sir, I rise to put a question to the right hon. Gentleman the Chancellor of the Exchequer with respect to the grant to the College of Maynooth, of which I have given notice. It will be in the recollection of the right hon. Gentleman, that in the year 1845, a Bill was introduced in this House by the late Sir Robert Peel, conferring upon the Royal College of Maynooth a grant of 30,000*l.* a year. That Bill, Sir, was carried through this House, after it had received an opposition, conducted with his wonted ability, by the right hon. Gentleman himself. It was subsequently carried through the other House of Parliament by the noble Lord now at the head of Her Majesty's Government, and it became law. I have seen, as I have no doubt many Members of this House have also, that some Members of the present Administration have lately declared, upon the hustings, that they have it in contemplation to repeal that Act; and it must be known that, throughout the country, the opposition to that Act—[*Cries of* "Order, order!"]—I am merely explaining the subject—has been very generally taken up at the elections. [*Renewed cries of* "Order!"] Well, then, Sir, as I think it very desirable that something certain should be known of the intentions of Her Majesty's Government upon this subject, I hope that I shall receive the same candid answer which was given upon another subject—that of Ministers' Money—by the right hon. Gentleman the Secretary of State for the Home Department. I shall conclude by putting the question, of which I have given notice—"Is it the intention of Her Majesty's Government to introduce, either in this or the next Session of Parliament, any measure to repeal the Act conferring the grant upon the Royal College of Maynooth?"

The CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the hon. and learned Gentleman the Member for Athlone, I have no hesitation in saying, that it is not the intention of Her Majesty's Ministers, in the present Parliament, to propose any Bill for the repeal of the grant to the Royal College of Maynooth, to which he refers; and, generally speaking, I beg to observe, that it appears to me that specific measures, to be brought forward upon any subject whatever, in a Parliament which is not even elected, are not questions upon which any Government ought to be asked to give any pledge.

ELECTIVE FRANCHISE—PARLIAMENTARY REFORM.

MR. HUME said, that when he brought forward his Motion for Parliamentary Reform last Session, he was met by an objection on the part of several Members who pretended to be friends of reform, that there was nothing definite in his proposition, and that they could not vote on an abstract question. Some declared that they were in favour of the ballot, but that they were opposed to an extension of the suffrage, whilst others said they would support an extension of the suffrage without the ballot, but they could not vote for the ballot together with an extension of the suffrage. In order that he might not be met with similar objections this year, he had embodied his Motion on a definite plan. That plan contemplated in particular an extension of the suffrage, combined with the protection of the ballot. He thought the latter was absolutely necessary to protect the voter from undue influence in the exercise of the franchise. If the fear of such undue influence was merely visionary, it would not be necessary to ask for the ballot; but he had seen over and over again the painful consequences which had arisen in consequence of an open and independent exercise of the franchise on the part of the poor voter. He did not believe, indeed, that it was possible to have anything like a fair representation of the people in that House without the protection of the ballot. The proposal he had to make with regard to the right to vote was twofold. He proposed to extend the right of voting—for he maintained it was a right, and not a privilege—to every man of full age, and not mentally or legally disabled, who had occupied a house for twelve months, and was rated to the poor. It was also important that it should not be left with the voter himself to register his vote, because there were many persons who, although they were willing and anxious to register, were unable to do so from want of time, or from some other circumstance. His plan, therefore, provided that it should be the duty of a public officer to look to the registration of every person residing in a house, or in a portion of a house, who was rated or liable to be rated to the poor; this would include lodgers; for he believed that some of the most valuable men in the country, those who contributed most to its wealth, occupied lodgings. He, therefore, proposed that lodgers who had occupied apartments for twelve months, and were rated to the poor, or liable to assessment, should be entitled to the suffrage. He could not conceive what objection could be made to this, at least by those who called themselves reformers. His plan also proposed the limitation of the duration of Parliaments to three years. He thought this was necessary, in order to give to the electors that check and control over the elected which they ought to possess. He could not help observing, throughout the many Parliaments he had been a Member, the difference in the manner in which Members of Parliament acted at the end of a Parliament and at its commencement, when they had, or thought they had, a seven years' lease; and this showed how desirable it was that the electors should have a more frequent and efficient control over their representatives. Instead, therefore, of a flexible term of seven years, he held that there ought to be a fixed rule that no Parliament should exceed three years. Such were the objects he had in view in the Motion he had now brought before the House. It was two years since he had had an opportunity of discussing this question, as last year he refrained in consequence of the pledge held out by the late Government that they would bring forward some plan of reform which, if not extending so far as he could wish, would yet give satisfaction to the country. He must say he had been much disappointed. Instead of the promise held out to him being fulfilled, he was sorry to say that the late Government seemed disposed to recede from their professions. He was, however, the more resolved on that account to press his Motion that night to a division. He did not find that Motions without divisions made any impression either on that House or the country; and he would therefore take the sense of the House on the proposal he had now to submit to them. It would be for those who were opposed to his Motion to state their reasons, and also he hoped they would hear the arguments of those who intended to vote in its avour. As regarded the late Administration, he did not know what their intentions might be. Part of their plan would no doubt have carried out one object he had in view—an extension of the suffrage—but without the ballot no measure could be satisfactory. He had seen communications from every part of the country, and there had been deputations in London from 145 places, and he could state positively that the feeling of the country and of every one of those places was in favour of the ballot, and also of a more equal distribution of Members. He was anxious that that House should pass an opinion on the subject of reform, and enlighten the country as to its intentions on this important subject, especially after the declaration of the noble Earl now at the head of the Government. He could not but regret the course taken by that noble Earl. He recollected him as an excellent Reformer, who concurred in almost all reforms, not only as regarded the State, but who was one of the best Church reformers he ever met with; for with one fell swoop he levelled ten bishoprics—an earnest, as he (Mr. Hume) thought, of his being a perfect Radical reformer. That was all gone and past, and now, after nineteen years, he was not only receding from his former principles, but actually abusing those who stood steadfast and had not changed theirs. He did not like to call names, and did not himself like to be called names, though he did not care much about them. But when he found a man, either in or out of the House, have recourse to abuse, it weakened his belief in his intellect or his honesty. The noble Earl had done him great injustice in coupling his name with demagogues. The term "demagogue" meant "a ringleader of the rabble," as he found from *Johnson*. He threw back with contempt any such allegation as directed against him. He had been oftener at the head of large bodies of his fellow-countrymen than any man in this country, and he never led a rabble. He never would do so, but he would do everything in his power to pacify men who met in large numbers under a sense of injustice to demand their rights. He had been a peacemaker, and never was open to such a charge. His friends from Manchester, perhaps, considered themselves involved in the charge, and no doubt they would speak for themselves. He considered it unworthy of the noble Earl to make any such accusation in connexion with the meeting at

Chesham-place, or with any other transaction that he had ever been engaged in, and he threw back the imputation, he would not say with contempt, but as wholly unworthy of the noble Earl's position. The noble Lord now at the head of the Government said in the House of Lords—

> "Will you support a Government which is exerting itself to protect the country against any hostile attack, to maintain the peace of the world, to maintain and uphold the Protestant institutions of the country, to give, to the utmost of its power, religious and moral education throughout the land; and which will exert itself, moreover, I don't hesitate to say, to stem with some opposition, to supply some barrier, against the current of that continually increasing and encroaching democratic influence in this nation, which is bent on throwing the whole power and authority of the Government nominally into the hands of the masses, but practically and really into those of demagogues and republicans, who exercise an influence over those unthinking masses—will you, I say, support a Government which is determined to resist that noxious and dangerous influence, and to preserve inviolate the prerogatives of the Crown, the rights of your Lordships' House, and the liberties of a freely elected and freely represented House of Commons?"—[3 *Hansard*, cxix. 1012-13.]

How any man of common sense could say that the House of Commons was freely elected, and that it fairly represented the country, he (Mr. Hume) could not imagine. The noble Lord further said—

> "These, my Lords, are the questions on which, when I go to the country, I make my appeal, on behalf of myself and of my Colleagues; and in the words which are placed in the mouths of the meanest felons that stand in the prisoners' dock, but which are not unworthy of the mouth of the First Minister of the first country in the world, I say, 'I elect that we shall be tried by God and our country.'"—[*Ibid.*]

To that he would say, Amen! He would tell the noble Lord that he did not wish to see the institutions of the country pulled down; all that he desired was to see abuses removed, and the institutions strengthened. It might appear superflous, but he could not help saying that he knew of no country whose institutions, fairly carried out, were so likely to promote that which should be the object of all Governments—the greatest happiness of the greatest number, and the prosperity of all, as far as it could be secured. There was the Queen at the head of the Executive Government; and there was the House of Lords, with its privileges, standing between the impetuosity of the people and the tyranny of the Crown. Let each of the three estates maintain its own position, alike independent in its circumstances, and in its powers. He did not want to take from the House of Peers one iota of their privileges. He acknowledged that they were wisely constituted a barrier against ill-considered legislation, whether arising from popular agitation, or from any other cause; and let it not be supposed, therefore, that he wished to infringe on their just privileges. The noble Earl at the head of the Government would find him a ready, aye, and a zealous supporter of their just rights, ever ready to defend them when assailed. But he wished to see the influence of the Peers confined to its legitimate sphere; he objected to their interfering with the tried branch of the Legislature which represented the people. But he would ask if there was any man in that House who thought that the House of Commons was now a full and fair representation of the mass of the community? If any hon. Member thought so, let him by and by stand forth and declare his opinion to the country; and, on the other hand, if no one was prepared to do that, then was the system evidently condemned; and though hon. Members might not agree with him as to the means of regeneration, they ought to do their best to secure a useful alteration. It was a principle of the tribunals of this country that every man should be tried by his fellows, and on that principle were founded all their proceedings. A different principle, however, prevailed with regard to Members of Parliament. The electors were not allowed to choose for their representatives any persons not connected with the landed interest; there was a professed qualification of 300*l*. for a representative for a borough, and 600*l*. for counties; and what made the injustice more palpable was the circumstance, that for the Members for the English Universities, and for the whole of the Members for Scotland there was no property qualification whatever required. Could anything be more absurd than to suppose that the Scotch Members were more honest and more to be depended upon than the English? He was glad that the Members of the late Government were prepared to get rid of the property qualification for Members. His object was to support the institutions of the country, and only to deal with the abuses; and the abuses he complained of were, that men of wealth and Peers interfered with elections to the House of Commons, and that the mass of the community were not represented. He appealed to the House to remove the anomalies and abuses which existed, and thus to take away from the people grounds of great discontent and dissatisfaction. At the present moment, when nearly every one was employed, they might hear little to alarm them. Still, let any hon. Member go to a popular assembly in which the question was mooted how far that House was a faithful representation of the country, and he would soon find that men of all classes desired that the anomalies should be removed. A wise man ought to aim at effecting that object in times of quietude and peace. They should prepare for the storm in time, not knowing when it would come. Should a state of things again arise similar to that which existed in 1842 or 1843, when a million artisans were out of employment, who could say what would be the result? The people would fall back on what they knew to be unjust, and the most serious consequences might ensue. If these opinions were new, there might be some ground for objecting to them. He found, however, that very many years ago, on the 25th of May, 1792, a petition was presented by Lord Grey—not the present Lord Grey, but the late Lord Grey—from the Society of the Friends of the People, amongst whom were, he believed, Charles James Fox, and some of the first Peers of the day. The Petitioners asked, amongst other things, for an extension of the suffrage, to the extent of at least household suffrage, and the limitation of the duration of Parliaments to three years, and for an alteration of the qualification. From this petition he would read the following extract: —

> "Security and happiness are to be looked for in the introduction of a third estate, distinct from, and a check upon, the other two branches of the Legislature, created by representing, and responsible to the people themselves. That at the present day the House of Commons does not fully and fairly represent the people of England, which, consistently with what your petitioners conceive to be the principles of the constitution, they consider as a grievance, and therefore, with all becoming respect, lay their complaints before your honourable House. Your petitioners complain that the elective franchise is so partially and unequally distributed, and is in so many instances committed to bodies of men of such very limited numbers, that the majority of your honourable House is elected by less than 15,000 electors, which, even if the male adults in the kingdom be estimated at so low a number as 3,000,000, is not more than the hundredth part of the people to be represented. Your petitioners complain that the exercise of the elective franchise is only renewed once in seven years. The second complaint of your petitioners is founded on the unequal proportions in which the elective franchise is distributed."

Now, those were the complaints made in that day; and if hon. Members referred to the debates of that period, they would find it observed in reply that that was not a time when reform ought to be broached; that the disturbances in France ought to operate as a warning to the British Legislature not to yield to popular demands. The very same objection was now made by many Members of that House; and for this reason he wished to show what were the opinions of the Duke of Richmond and other leading men in that day who, whatever he (Mr. Hume) might be termed, could not have been regarded as demagogues. The Duke of Richmond said—

> "It is from the people at large that I expect any good; and I am convinced that the only way to make them feel that they are really concerned in the business is to contend for their full, clear, and indisputable rights of representation. The subject of a Parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish."

Now that opinion, given by the Duke of Richmond, might be referred to, whenever he (Mr. Hume) and others were attacked with regard to their intentions. Mr. Lambton, the father of the late Lord Durham, on the 11th of April, 1792, used these words:—

> "The example and situation of another kingdom are held out to deter us from innovations of any kind. We say that the reforms we have in view are not innovations. Our intention is not to change, but to restore; not to displace but to reinstate the constitution upon its true principles and original ground."

He (Mr. Hume) had often expressed himself to the same effect, and by that declaration he was willing to abide. Several other eminent men expressed themselves in the same manner, and spoke in harmony with the declaration of Lord Chatham on the 27th of January, 1770, that, "by the reform which he proposed, he meant to infuse a portion of new health into the constitution." Now, these opinions were all in favour of the reform which he (Mr. Hume) now advocated; and it was by such means alone that this country could be enabled to bear the competition which would ere long come upon it; the mass of the country having then become interested in the preservation of order. The noble Lord late at the head of the Government (Lord John Russell) made use of an expression the other night which he extremely regretted to hear, when he said he was ready to vote for an extension of the suffrage to all who were worthy to receive it. His answer to that was, that he would not accept the suffrage as a favour, as it was the right of every Englishman to be represented; and his proposal only drew the line where it could be drawn with safety. The noble Lord also very candidly, and greatly to his credit, said, in reference to some observations that had fallen from the Earl of Derby, that he did not see the march of democracy had in any way interfered with the rights of the Crown, or the prerogatives of the Peers; but on the contrary, the noble Lord said, with great truth, every reform that had taken place, especially that great reform of 1832, had proved of the utmost advantage during all the violent changes that had taken place on the Continent. The extension of the suffrage so far had tended to check what was termed "the lawless democracy." If there were any danger in this democracy, it could only be when it was lawless. As to the "march of the democracy," he must say that the democracy had as much right to march to the support of their own rights as any class of their fellow subjects; and he repeated, that to concede their just rights was the most likely way to preserve the rights of the Crown, of the House of Peers, and of the whole community. He might quote many authorities in favour of his views. Judge Blackstone declared, that "upon the true theory and genuine principles of liberty, every member of the community, however poor, should have a vote in electing those delegates to whose charge is committed the disposal of his property, his liberty, and his life;" and that "in a free State every man, who is supposed a free agent, ought to be, in some measure, his own governor; and therefore a branch at least of the legislative power should reside in the whole body of the people," meaning the Commons (1 *Blackstone*, 171, 158). If there were any doubt upon the point, he might also refer to the opinion of Sir Thomas Smith, in the time of Queen Elizabeth, which was quoted on the same occasion, the substance of which was that the people had a right to be represented. Now, he had prepared with great care an analysis of the state of that House in 1846. From an analysis of the constituency of the United Kingdom at that period, it appeared that 331 Members, a majority of the House of Commons, were elected by 151,492 electors, being on the average 457 electors for every Member, and being themselves one-fifth of the whole number of registered voters. Thus one-fifth of the whole number of electors, 956,272, might return a majority of the House of Commons; and this fifth constituted one-fortieth of the whole male population of twenty years and upwards, 6,148,468 persons, and one hundred and sixtieth of the gross population of 25,500,000. Could it be said, in the face of such facts as these, that that House constituted a full and fair representation of the people? The inequality, the absurdity, and the injustice of the present system were so great, that he entreated hon. Members who were desirous to preserve the institutions of the country, and to remove the impediments to their security which now existed, to join with him in promoting the passing of this measure. There was scarcely any part of this country which was not vying with other parts in efforts to obtain the best machinery for manufacturing purposes. Everything was in progress but the House of Commons. That House was the taxing machinery of the country, by means of which every man's pockets were emptied; and in order that that object should be wisely and honestly conducted, they ought to have the best possible machine that could be obtained. The utmost should be done to remove inequalities, to place everything in due proportion, and to place the mass of the community in a position to choose the wisest and most suitable men as their representatives. He had heard it objected that if the people had the power which he demanded for them, they would not exercise it properly. It was very easy to offer such an objection. Let them have an opportunity, and he had no hesitation in saying they would avail themselves of it—let them be protected in their rights, and he had no doubt they would take care of themselves. At present the mass of the community were literally nothing in the representation: the many were taxed by the few; and the consequence was, that the taxation was most unequal and unjust, and numbers had to bear a far greater proportion than they ought to do. How could the system of taxation be reformed, unless the people were honestly represented? He called upon the House, then, to do its duty to the third estate of the realm, and to give satisfaction to the people by allowing them their due share in the Legislature by electing honest and independent Members. Let the House remember the disclosures with regard to St. Albans, in reference to which an hon. Member had declared in his place that he felt himself to have been illegally elected, and that had he sat upon the inquiry he would have voted against himself. Knowing as they did that the same system existed in ninety other boroughs in this country, he could not conceive how the House, with the least pretensions to reform, could refuse to support a Motion which would do away with such a state of things. On all these grounds, looking at the importance and necessity of such a measure as that which he sought to introduce, whatever might be the result of the division that night, he felt satisfied that many of the younger Members of that House would live to see the day when a decided measure of justice would be conceded to the people. As a friend to the Crown, as a friend to the Peers, as a friend to the Commons, as one who was desirous of seeing all classes participate in the benefits of a just reform of the representation, he besought the House to give its best attention to the subject. The hon. Member then read the following extract from a petition from certain inhabitants in Norwich, complaining of bribery and corruption in the municipal elections:—

> "That we believe that the municipal system properly carried out would confer incalculable benefit on the community by training the people to self-government, and affording opportunities to the citizens of uniting and co-operating in the local assembly for the promotion of the general good; but, whilst we admire the theory, we can but grieve over the actual results of that system shown in the corruption and demoralisation arising out of the municipal contests. It is notorious that in this city the relative position of political parties in the town council entirely depends on the suffrages of some hundreds of corrupt burgesses, who, without any attempt at concealment, will vote for those candidates (regardless of their personal fitness or political opinions) who will give them the most money. These reckless, profligate men, decide who shall be the guardians of the peace and morality of the city; and the most virtuous and talented of the citizens has not the slightest chance of their support if opposed by a corrupt partisan, however depraved or ignorant he may be, who will dole out bribes amongst them. That the prevalence of this evil is an admitted fact, and that in the last municipal elections which took place for this city on the 1st of November, the system of bribery was carried on in the most open and unblushing manner; and in one ward, comprising 400 burgesses, it is said that the votes of more than 120 electors were directly purchased by money bribes; and in many of the wards it is beyond doubt that the only way to succeed is by corruption. The effect of all this on the morality of the city we believe to be disastrous in the extreme; but we do not charge this offence upon any one party exclusively. We fear there are but few active politicians innocent in this matter. We would first beg the attention of your honourable House to the fact that the municipal franchise is much more limited even than the Parliamentary; the number of registered burgesses for the city being 2,831, whilst the number of Parliamentary electors is more than 5,000. We would respectfully suggest to your hon. House, that if the provisions of an Act passed in the last Session, entitled 'An Act to amend the Law for the Registration of certain Persons commonly known as Compound Householders, and to facilitate the Exercise by such Persons of their Right to Vote in the Election of Borough Members to serve in Parliament,' were extended to municipal elections, it would go far to remedy the evil complained of, and would give a reasonable and just extension of the franchise, from which we confidently anticipate many moral advantages would accrue. That the ballot, though it would not altogether prevent bribery, would render it more difficult, by depriving the briber in most cases of any assurance that the corrupted voter would fulfil his promise; and, moreover, by concealing the actual numbers polled till after the poll had finally closed, it would prevent the corruption which usually occurs in the excitement of the last hour or two before the closing of the poll. We therefore pray your hon. House to pass an Act, enabling Her Majesty to appoint Commissioners (as in the case of St. Albans) to inquire into the bribery prevalent in the municipal elections of this city; and then, if the allegations of this petition are proved, to adopt the remedies which your petitioners have herein respectively suggested—namely, the extension of the right of voting, and the adoption of secret ballot as the mode of exercising the suffrage; or such other measures as your hon. House shall deem expedient."

The hon. Member concluded by moving for leave to bring in a Bill to Amend the National Representation, and for taking the Votes by Ballot.

SIR JOSHUA WALMSLEY said: I second the Motion of my hon. Friend, and would tender to him my warm acknowledgments for the zeal and perseverance he has displayed in the advancement of this important question. It cannot be otherwise than a source of satisfaction and encouragement to know that not only out of doors, but in this House, the question has been making steady and continuous progress; and notwithstanding all the obstacles and difficulties which have been thrown in the way, it has already received the support of 120 Members of this House. I feel assured that number will this night be augmented by other converts. I look upon success as a mere question of time. Indeed, Sir, the unequal and corrupt state of our representation has been so frequently the subject of discussion in this House, and so little urged in its palliation, that it ought to be unnecessary to utter a word in support of a measure calculated to amend or even to mitigate the evils of so demoralising a system. But the course hitherto pursued in reference to this question, and the limited character of the measure recently introduced, constrain me to offer a few remarks on what I believe to be the reforms earnestly desired by a large majority of the people of this country. These remarks shall be brief and strictly applicable to the question. When the noble Lord the late Minister of the Crown introduced the measure to which I have referred, I took occasion to declare my conviction that the proposition was not only unworthy of the antecedents of the noble Lord, but could not give satisfaction to the country. Subsequent events have, I think, shown those views to be correct; and I was well pleased to learn that the noble Lord himself had so far concurred in them as to intimate his willingness to reconsider and reconstruct the whole measure. I would take this opportunity of assuring the noble Lord and the House, that any measure which retained the nomination boroughs, or that did not include the protection of the ballot, would be very lightly esteemed. My first objection to the letter of the Bill proposed by the noble Lord the Member for the City of London, is the disparity between the borough and the county franchise. I see no reason why the franchise should be five pounds in the one case, and twenty pounds in the other; and unless the country Gentlemen are prepared to admit that the inhabitants of the rural districts have been less cared for, and are consequently less fitted for the exercise of political rights, I hope they will support an equal measure of justice for the agricultural as for the manufacturing districts; and, in justice to those whom they more immediately represent, advocate a measure to secure the independent exercise of the franchise. The proposition to enfranchise by the payment of forty shillings direct taxation was a step in the right direction, recognising taxation as the basis of representation. But I look upon the retention of the ratepaying clause as an unmixed evil, rendering that which should be a simple debt a penal measure, and keeping up a fruitful source of litigation, chicanery, and fraud. It may not be desirable to multiply Members for towns already represented; but I am at a loss to understand how the noble Lord can justify the retention of two Members to small constituencies, and refuse one to large, important, and populous districts. To attempt to justify such injustice by raising up some fancied balance of interests, is to revive fallacies long exploded. Like the doctrine of divine right, or the unexplainable balance of power, it is a mere attempt to mystify the real object. The country has been long convinced that the interests of agriculture, commerce, and manufactures are indivisible; and upon this view should representation be based. I do not look upon this as a mere party question of Whigs or Tories, but as intimately connected with the wellbeing of the people. It is to me a small matter which party is in office. I can promise that whichever will promote that cause which will eventuate in the elevation of the people to their constitutional rights, shall have my humble support. On a former occasion I referred to the numerous and unceasing demands for enfranchisement. I pointed to the acknowledged loyalty and intelligence of the unenfranchised as evidence of their fitness for the exercise of political power—to their patience and forbearance under the degrading exclusion—to the inconsistency of refusing to our fellow-subjects at home—rights which we freely confer upon them in the colonies—and to the folly of denying to justice that which we almost invariably yield to pressure—I had almost said to fear. The opportunities I have since had of ascertaining the requirements of the producing classes, have confirmed those views, and convinced me that sound policy combines with justice in requiring a thorough revision of our electoral system. So far from perceiving any cause of apprehension by extending the rights of the Constitution, I am persuaded it is the only effectual means to remove the existing causes of discontent, and the only way permanently to secure the confidence of the country. Twenty years have elapsed since the noble Lord the Member for the City of London introduced into this House the Bill under the provisions of which we are now assembled. With all its defects, there can be no doubt of the value of that Bill as a salutary measure. It corrected many flagrant abuses, and rendered more popular the election of Members to this House. The real friends of reform in every part of the country accord to the noble Lord and his then Colleagues their full meed of praise for such an improvement on our then representative system, and admit that to the Reform Act they are mainly indebted for the passing of many of those subsequent measures the adoption of which will ever shed lustre on the annals of our country. Whilst, however, we freely admit the benefits, we cannot shut our eyes to the defects. We know that the Bill introduced by the noble Lord was shorn of some of its fairest proportions, and came forth a compromise as it were of a first intent, and to some extent an abandonment of the declared principles upon which it was framed. The evils of rotten boroughs were only partially removed. It is true that fifty-six nomination boroughs were placed in Schedule A; but nearly as large a number were retained, and remain until this day a scandal to the system; and the territorial influence was augmented by the addition of fifty-four country Members. A glance at *Dod's Parliamentary Companion* will fully justify the assertion, that it was one of the most aristocratic measures ever offered to the nation. The effects of the Chandos Clause, the political serfdom and change of tenures in which it would involve the occupiers and cultivators of the soil, were clearly foretold; and a recent return shows that there are in England and Wales 350,000 houses assessed at between ten pounds and fifty pounds' annual value, whose occupants, under the provisions of the Reform Bill, are entirely excluded from a voice in the choice of their representatives. Surely then it cannot be so unreasonable to ask the revision of a system of representation, which, after a twenty years' test, has been found inadequate to its declared purposes, and which is generally admitted to be a censure on the intelligence of the age. In all respects save one the nation has pursued a career of progress and improvement. Compared with twenty years ago, our population is vastly augmented; and with the increase in numbers, there has been a more than corresponding increase in intelligence, in the knowledge of public affairs, and in the desire for participation in political power. Compared with twenty years ago, our commerce has assumed a gigantic form. Conquest and colonisation have either preceded or gone hand in hand with commerce; and whilst new realms have been brought under British rule, our sons have found new paths for industrial enterprise, are extending our language and our laws, are founding institutions still more liberal than our own, and are enforcing the recognition of those institutions from the Imperial Legislature. The records of our literature during the same period show an unexampled diffusion of every description of knowledge. Each day affords illustrations of advance in the arts, in science, in commerce, in manufactures, in fact, in all that can distinguish a civilised, industrious, and growing people. But, Sir, in broad contrast to all this stands the fact, that there has been no advance or improvement in our representation. Five-sixths of our adult male population remain excluded from any voice in framing the laws by which they are governed, or in the distribution of the funds to which they contribute so large a proportion. A paper laid upon the table of this House gives the number of votes in the United Kingdom as 1,050,187, being one in thirty of the population, or one in six of the adult males. The division of this number amongst 656 Members who have seats in this House, shows about 1,600 votes to each. I say "votes" rather than electors, because many persons have double, triple, and quadruple votes. There is no return of the number of persons holding these votes, but it is estimated that they do not exceed three quarters of a million. These statements appear to me to involve one of two propositions: either we have between five and six millions of adult males so debased by ignorance, vice, or other moral disqualifications, as to be totally unfitted for the exercise of political rights, or there is a gross monopoly of those rights, to the grievous wrong of a vast majority of the taxpayers of this country. Hon. Gentlemen will not, I am sure, cast the stigma upon the great body of the producing classes involved in the first of these propositions; they must, therefore, become the advocates of justice to men who, unsurpassed in industry or social virtue, are nevertheless so stigmatised by the very act of exclusion. I have stated that the gross number of votes by which this House is called together give an average of 1,600 to each Member; but there are 329 Gentlemen in this House, or a clear majority, who represent only 141,372 votes, or 430 each, whilst the minority, or 327 Members, represent 908,815 votes, or 2,779 each. These facts sufficiently indicate the glaring inequalities in our various constituencies; but with the permission of the House I will submit one or two others. The constituencies in the United Kingdom are 373, the gross number of votes, as before stated, 1,050,187, giving an average of 2,816 to each constituency. 290 of these constituencies are greatly below this average, 83 as greatly above it. The 290 consist of the most inconsiderable portions of the Kingdom, and return 433 Members. The 83, embracing most of the great seats of industry, wealth, and population, return only 223. The average number of votes to each of the 433 Members is 606; the average of the 223 Members is 3,534. In fact, our electoral system might have been invented to set reason and equity at defiance, and to afford a premium for every corrupt and unconstitutional method of determining the elections. The extension of the franchise to many of our large towns, by the Act of 1832, has been rendered almost nugatory by the power bestowed elsewhere. If I am shown the wealthy and populous borough of Salford with one Member, I turn to the nomination borough of Calne with a Member also; the one a free constituency with 2,400 electors, the other a proprietary borough with 159. If shown Manchester with 12,000, or Marylebone with 18,000, I point to Thetford with 210, and to Knaresborough with 230; the two smaller boroughs with 440 electors, equalling in representation the two larger ones with 29,900 electors. These facts sufficiently demonstrate the possibility of neutralising the efforts of all the large constituencies by marshalling the power of the smaller ones against them. For example, take a group of boroughs and place them against one constituency: there are in this House 106 Gentlemen representing 62 constituencies, in which the gross number of electors is only 21,131—about the same number as is contained in one metropolitan borough sending only two Members. These 106 Gentlemen, with 21,131 electors, may neutralise the votes of 106 other Members returned by constituencies with an aggregate of 534,900 electors. Again, the last-named 106 Members, representing more than one-half the electoral body in the United Kingdom, stand in the relative position, as compared with the whole House, of 106 to 550. Incredible as these statements may appear, they are sustained by the papers laid upon the table of the House. The figures are equally startling whether we compare boroughs with boroughs, or counties with counties. The right hon. Gentleman the Chancellor of the Exchequer, with that sagacity for which he is remarkable, took occasion, a few evenings ago, to point out the inequalities in some of the county constituencies, and showed, by reference to North Cheshire, that they were not represented, even as far as numbers were concerned, compared with some of the manufacturing districts and boroughs. It is these inequalities of which we complain, and which we are desirous to remove. We seek not to give a preponderating influence to any one class, but to base representation on some sound principle. Doubtless, when examining these inequalities, it did not escape the right hon. Gentleman's attention that there are in this House 12 county Members representing an average of 273 electors each; 12 others with 581; 12 with 786; 12 with 1,595; 12 with 2,786; and 12 with an average of 6,810 each. Of these 72 county constituencies, 60 have 106,669 electors, whilst the 12 number 163,452. The 60 send 90 Members, the 12 only 24 Members to this House. I have said, there has been no advance or improvement in our representation for a certain period. I apprehend it will be found there has been retrogression. Taking the numbers as shown by the return of the hon. Member for Bristol, and comparing the electors in each constituency in 1850 with the numbers at various periods since 1832, I find 184 of the constituencies with a less number of electors now than they had in former years. If told the gross number of electors has increased, I reply, the increase has been in counties where extraordinary exertions have been used for special objects, or in boroughs that have within or around them the elements of rapid progression. Thus the West Riding of Yorkshire has increased from 18,000 to 36,000; South Lancashire from 10,000 to 21,000; Marylebone from 9,000 to 18,000; and the Tower Hamlets from 11,000 to 22,000. Notwithstanding the large additions made by active exertions to such constituencies as North and South Lancashire, North and South Cheshire, and the West Riding of Yorkshire, the registers of the English counties for 1846–47, compared with those for 1849–50, show a positive decrease from the latter period of 13,600 electors. Had the counties referred to remained stationary, as respects numbers, the decrease would have been 42,800. In Ireland the retrogression has been so great as to compel a partial remedy to save the constituencies from extinction. And upon this point I would take leave to observe, that I can see no good reason for a different franchise for Ireland than for England. They should be identical. Until we have equal laws for the two countries, we shall fail to obtain the confidence of the Irish people, or, I would venture to say, to deserve it. It is sometimes urged that to base electoral power on mere numbers would be unjust to property. The answer to such a fallacy is, that in this country at least numbers and property are coexistent and coextensive, and that whether we test the present electoral system by numbers or by property, or by the two combined, it will be found equally anomalous and unjustifiable. The statistics given by Alexander Mackay, in his pamphlet on Electoral Reform, have frequently been quoted in this House, and never been controverted. He gave the property assessed to the poor's-rate for 1841 at eighty-five millions, and of this sum states seven millions are represented in this House by 330 Members, and 78,000,000, by 326 Members. He gives the assessment of the borough of Honiton at 8,000*l.* to 9,000*l.*, whilst it sends the same number of Members as Liverpool, assessed at 1,500,000*l.* Seven other boroughs, with an aggregate assessment of 85,000*l.* a year, return as many men to Parliament as Middlesex, with a rateable value of more than 7,000,000*l.* I will not pursue these illustrations further; sufficient has been said to show that the present mode of returning Members to this House is neither based on numbers nor property; neither is it based on reason, honesty, nor the principles of our Constitution. The tendency of the system is to render this assembly subservient to the Upper House, and thus to place in the hands of the Peers a power alike dangerous to the liberties of the people and the just privileges of the Sovereign. By reason of the numerous nomination boroughs, the influence of their territorial power, and the Chandos Clause of the Reform Act, the Peers are enabled to send into this House a sufficient number of their relatives and supporters to dictate terms to every Administration. Nor is this the only evil: the Government themselves are chosen from this class, and placemen and place-seekers enter through boroughs where Government patronage is all powerful, or where money and influence are omnipotent. Intimidation, corruption, and various modes of demoralisation, are the consequence; and the House of Commons, instead of being a real representation of the whole people, is virtually the representation of the Peers, the Army, the Navy, the Church, and the Government. The effects of the system on the taxation and expenditure of the country are an unequal and oppressive mode of raising the public revenue, by which the trade and commerce of the country are restricted, and the health and morals of the people deteriorated. The burdens are made to press in the inverse ratio of the power to sustain them; those are touched lightly whose means are the largest, and those pressed to the earth whose poverty might plead exemption. In the distribution of the funds so raised, less regard is had for the interests of the public service than for the conciliation of those who can command large Parliamentary influence: hence each barren rock or unwholesome swamp is made the seat of a petty but costly settlement, in which governors, lieutenant governors, and a host of officials, may find patronage and pay; useless but expensive diplomatic missions are sent to various parts of the world; pensions and sinecures are distributed with an unsparing hand; and a system of Church patronage rigorously maintained, as injurious to religion as it is offensive to the consciences of a large portion of our fellow subjects. These things are the natural fruits of such a system, and must be endured until the people obtain their just share of political power. It is to remedy the evils of this system morally, politically, and financially, that we seek to widen the basis of representation, and to confer the right upon every adult male who shall have occupied a house, or part of a house, for twelve months, irrespective of the payment of rates. It is because I believe the plan of Reform proposed by my hon. Friend would amend the evils I have enumerated, and because I believe it to be practical, safe, and constitutional, that I give him my humble but earnest support. There may be those who apprehend dangers or difficulties in a plan which would augment four or fivefold the number of electors in the United Kingdom. I believe such apprehensions to be fallacious; the danger, if any, would arise from a very different cause—the refusal to act justly towards men who not only know their rights, but their power to enforce them. Any reform in Parliament which shall not recognise the constitutional rights of the wealth-producing classes, will fail to allay the present discontent, and create a spirit of hostility to the governing body which it will hereafter be very difficult to allay. It will not have escaped attention, that whilst differences of opinion have arisen as to the extent to which enfranchisement should be carried, there is a very general feeling in favour of the ballot. Employers of labour, equally with the employed, agree that the extension of the franchise without the ballot would be little better than mockery. I speak under correction, but I believe the Motion of my hon. Friend asks no more than the Constitution guarantees to those who bear the burdens and fight the battles of the State. I believe it asks no more than is warranted by the loyalty and intelligence of the people. I believe it asks no more than is necessary for the correction of those abuses which time and a vicious system have introduced. The present period of comparative prosperity and domestic tranquillity is eminently adapted for the peaceful settlement of this important question. The only sounds we now hear against the exclusion under which the people labour, are those of calm remonstrance and enlightened reason; but none may venture to predict the consequences under other and less favourable circumstances. The burdens which are now heavy may then become insupportable. The evils now tolerated may then assume an aspect which may excite the masses to desperation, and they may then approach this House in an attitude which all would deprecate, but none be able to resist. Should such a time arrive, which I trust the wisdom of the House will avert, then should we see the folly of treating with contumely the reasonable demands of millions of irritated and despised subjects. Timely concessions to their prayers would, on the contrary, be met by gratitude and affection; and the elevation of the people to their just rank in the Constitution would be better than a wall of brass against our enemies. Then should we witness a ready contribution to funds known to be expended for the benefit of all, and a willing observance of laws made with the consent of the whole people. I beg to thank the House for the attention it has paid to the imperfect observations I have submitted on this great question, and to assure hon. Members that whatever may be the present result, I am certain the time is not distant when they will rightly appreciate the great interests at stake, and yield to the justice of our demands. I conclude with expressing the hope that whatever differences of opinion may exist, nothing that I have said will be conceived as of a personal nature, but called forth by an earnest desire to promote that which I believe essential to the peace, happiness, and contentment of the people.

Motion made and Question proposed—

"That leave be given to bring in a Bill to amend the National Representation, by extending the Elective Franchise in England and Wales, so that every man of full age, and not subject to any mental or legal disability, who shall have been the resident occupier of a house, or of part of a house as a lodger, for twelve months, and shall have been duly rated to the poor of that parish for that time, shall be registered as an Elector, and be entitled to vote for a Representative in Parliament.

"Also, by enacting that votes shall be taken by ballot, that the duration of Parliaments shall not exceed three years, and that the proportion of Representatives be made more consistent with the amount of population and property."

MR. HENRY DRUMMOND, who, from the low tone in which he spoke, and the continual coughing in the House, was very imperfectly heard in the gallery, was understood to commence by observing that the excuse which had been made by hon. Gentlemen who were so anxious for a dissolution of Parliament for bringing on this Motion at this particular time, that it was a time of comparative tranquillity, would justify a vast number of other Motions on all sorts of subjects. Still, there were some circumstances which placed the question before them in a peculiar light. For instance, there were not less than six Gentlemen who had had the kindness to give notice of no less than eight measures now on the notice paper of the House for the improvement of the representative system, and this certainly forced the question upon the consideration of the Government in a way in which it had probably never been pressed before. He trusted, however, that under these circumstances the present Government would avoid the errors of former Governments, and would not, by refusing to entertain the measure, give occasion to others, as they had done on a former occasion, to take advantage of the impatience of the country, and bring forward a measure really revolutionary for the purpose of advancing the interests of their own faction. Now, before entering into the principle of the Bill, he would refer to something which appeared to him to have an adventitious importance attached to it—he meant the ballot. That appeared to him to be a question in which they, the representatives, had no concern; for what could it signify to them how the electors voted for them, whether secretly or openly—whether standing upon one leg or upon two? It seemed to him to be a question fairly left to the electors themselves. He had certain reasons for preferring the ballot, but he was not going into that question now, as there was to be a distinct discussion with reference to it. The main objection, among others, to the old Reform Bill was, that it contained no principle in it; neither was there any principle in the one which the noble Lord at the head of the late Government had recently proposed. The right of voting, for example, was connected with 10*l*. But there was no more connexion between the right of voting and 10*l*. than between that right and 9*l*. 19*s*. 6*d*. The same thing might be said with regard to a 5*l*. franchise, for there was no more connexion between 5*l*. and the right of voting, than between 4*l*. 19*s*. 6*d*. and that right. It was altogether a want of principle. Now, with respect to the elective franchise, he laid this down as the true principle, namely, that the right of exercising the elective franchise was coextensive with direct service to the State. He used those words advisedly, because not only did he mean by this expression to include those into whose pockets the Chancellor of the Exchequer directly put his hands, but all those from whom a rate collector of any kind obtained contributions; but he went further, and he said that where men were too poor to have anything in their pockets to tempt the collector, but had yet rendered their own personal service to the State as soldiers or militiamen, they should, after their discharge, be entitled also to the exercise of the franchise. You may call this household suffrage, or universal suffrage, or by any other name you please. I am contending for things not for names. It might easily be shown that what you call universal suffrage, was really, originally, the practice of our ancestors. The question was not between 40*s*. and 39*s*., but 40*s*. was the lowest amount of property possessed by any freeman. He had stated broadly the extent to which he thought the number of electors should be increased; but he confessed that in this, as in all political things, there were two sides to the question. When they added to the number of electors, they did not add similar things to similar things. It was not a mere addition of electors of the same kind, but of electors of a very different kind; and it was exceedingly difficult to form an opinion of the number of poor voters that there would be in comparison with the rich. As a very slight illustration upon this point, yet one so slight that he scarcely ventured to apply it, he would take the case of the contributors to savings banks, and he found that out of 1,000,000 of such contributors there were but 2,000 possessed of 200*l*. and upwards, while there were no fewer than 677,000 possessed of less than 20*l*. It is clear, therefore, that in extending the suffrage, you not only increase it numerically, that is, you not only add to it the number of those who have nothing, but the numbers of those who have nothing so far exceed the numbers of those that have something, that for all practical purposes the power of election will be altogether in the hands of paupers in the proportion of 677 to 2. Taking that as some guide to the other question, they would, when they had extended the franchise to the extent he had already named, be representing the poverty of the country, and the wealth would be left unrepresented. One said that there was no danger to be apprehended from this, because the people were exceedingly loyal and well disposed; and another talked of the spread and influence of education; but there was no connexion between voting and reading, writing, and arithmetic, or between voting and "skilled labour," as it was called. The argument showed, however, that those who used it had perceived the danger arising from extending the franchise so widely, and that they were trying by insufficient means to correct that evil. It was an evil which ought to be corrected, but it was not to be corrected by limiting the franchise to 5*l*., nor by connecting it with education of any kind. Now he came to the next principle involved, which was that of property qualification in Members. What was meant by the good old times of the Constitution, of which they heard and read so much in the writings of the noble Lord, he knew not; but this he knew, that no persons ever could go into that House who were not possessed of property. Property at that time, of course, consisted of land, because trade was originally confined, first to the Jews, and then to the Lombards, and afterwards to the Flemings, and these were foreigners, Now, however, things had totally changed. The essential was property; the accident had been land. It did not signify what the property was, but they must keep up that property qualification. When hon. Gentlemen introduced Motions for the abolition of that qualification, they gave as a reason that the House did not mind its own rules—that persons swore they were worth so much, but that they knew that they were not. That was a bad argument. It ruled too much through our whole system. We encouraged jurors to break their oaths, and find a man not guilty when they knew that he was, because they had taken it into their heads that the punishment of death ought not to be inflicted. The only way was for them to do their duty, and leave to others the consequences of neglecting theirs; and, if they wished men not to perjure themselves in that House, why not appoint a permanent Commission, such as had been sent down to St. Albans? Property and power must be in the same hands, or property cannot exist, for an equality of power was an equality of goods. Wherever there were two animals, and one had got something to eat, and the other had not, unless the one that had the something to eat were stronger than the other, depend upon it there would be a battle between them. So, if there were two men alongside each other, one rich and the other poor, and the rich man had not something or other wherewith to defend his riches, which the poor man did not possess, there would be a free trade between them pretty quickly. Property and power must go together, for civilised society was alone constituted to preserve acquired property. It was a very grave question to what extent this reform ought to go; for what they were to provide against was, not the peaceable times in which we were living, but difficult times which might arise. A ship was not worth a farthing that would only sail in smooth water; and we must have a constitution that would weather a storm. Passions will ever carry everything before them, and no education will teach men to starve contentedly. Times had been, and would come again, when there must be masses of starving people: the greatest mental anguish that it is possible for human nature to endure, is for a man to see his children perishing for lack of food, which he sees all around him, and yet is unable to procure for them; and we might rest assured that the sufferings of an Ugolino were equally keen, whether occasioned by a constitutional government, or by a Florentine tyrant. The noble Lord had said, that his object in adding the small boroughs to each other, was in order to keep up the balance between the agricultural and commercial interests. But this cannot be so done; because the boroughs are not in the possession of the landed interests; and if he could, it would only be to perpetuate the contention between the classes. The thing is totally impossible. The amalgamation was becoming greater and greater every day, and he hoped it would continue to do so. He wanted to see the great estates more subdivided, and the numbers of landed proprietors continually increased; not by forcible means as in France, and in other countries, but by the safe and gradual operation of natural causes. It is for this object that I have laboured for a Registration Bill; I want to see the conveyance of land easy, the title secure, and the expense small. There will, however, always be great difference between the conduct of persons holding transitory and permanent property. The labourer, for example, looks no further than the end of the week, and whether he spends *5s.* or *5l.* he consumes it all. The manufacturer looks no further than the end of the year, and if he has bought his raw material at such a price, so that he has gained by the manufacture and sale he is content: but the proprietor of land is always labouring upon its permanent improvement. He does not limit his views to the end of the week, nor to the end of the year; and therefore it is that he has a permanent attachment to the honour and interest of the country, which is nowhere to be found but in the owners and cultivators of the soil. The rest of the community are mere Jews, and Lombards, or Flemings, under the appearance of Englishmen, but with the feelings of foreigners. There was a good annexed to the old rotten boroughs. Many of them had been originally given with the intention of conferring power upon the owners of them; and the advantage was, that they were enabled to insure the return to that House of persons whom they thought it desirable to have there. You have destroyed this means without providing an equivalent, and the consequence has been that the noble Lord at the head of the late Government had been continually reproached on account of the narrowness of the basis of his Administration. He granted there was something in that; but until some hon. Gentlemen had to try the difficulty of forming an Administration, they would not know that it was not always so easy to put men into the places that they ought to hold, for they would have to consider not only who was the best men, but whether some enlightened constituency might not prefer an empty chatterer to the wisest and best statesman that ever lived. He did not want to recur to the rotten boroughs, nor did he think that the noble Lord mended the matter in the least by his manœuvre of annexing small towns to them; but what Parliament might do was this—they might make the Ministers, as their servants, whoever they were, and to whichever House they belonged, come into the House whenever they wanted to interrogate them about the way in which they were conducting the business of their departments. If they did that, they would immediately emancipate the hands of Government, would gain the possibility of forming an Administration upon a much larger basis, and would invariably get much better servants. If ever he should turn a reformer, that which he should like to reform would be the House of Lords. It was the weakest part of our Constitution, and that which required most to be strengthened. The power of the House of Commons had increased, and was increasing. It ought to be diminished, and he wanted the strength of the House of Lords to withstand that House. There was one practice which ought certainly to be put an end to, which was that of voting by proxy; it is quite indefensible, and no man and no class can afford wantonly to incur merited odium. Another evil, which had been before referred to, was that of pauper noblemen who were unable to support the dignity of their station. Sir William Temple long ago foresaw this evil, and endeavoured to provide for it. There could be no greater misfortune befall any country than that it should be brought to the state in which France was immediately before the revolution. Power ought also to be given to the Crown of naming Peers for life, because there were many persons who in that sphere might be of considerable advantage, and might render real service to the country, without having the means of transmitting to their posterity that which was necessary to enable them to uphold the dignity of the Peerage.

Sir WILLIAM PAGE WOOD said, that the hon. Member for West Surrey had commenced by stating that he thought the hon. Member for Montrose had pursued a somewhat singular course in wasting, as he had been pleased to call it, the time of the House in a discussion upon this subject, while, on the other hand, he was impressing on the Government the extreme necessity of a dissolution of Parliament. If the right hon. Gentleman the Chancellor of the Exchequer had indeed adopted the suggestion which had been thrown out by the noble Lord (Lord John Russell) of availing himself of the Thursday nights for carrying on the affairs of the Government, and expediting the business of the Session, then there might have been some foundation for the charge that they were wasting time in a discussion that might be postponed until the more serious business of the House had been carried through. But he apprehended, as that was not the case, that, next to the supplies and the defence of the country, there was really hardly any discussion more important than the one in which they were engaged. He did not say thot the result could be very serious of a Motion of this kind introduced at this period, but the discussion itself was one of a highly important character. He thought they were more particularly called upon to enter into a discussion of this character at the present time, in consequence of those principles of government which had been laid down by the Earl of Derby; for he understood the noble Earl distinctly to have said, not merely that he was opposed to proceeding any further with the Bill which had been introduced by the noble Lord the Member for London for the amendment of the representative system, but he had declared, in unequivocal terms, that the principle of his Government would be to oppose what he was pleased to call the proceedings of demagogues, and to uphold the monarchy against democracy. The noble Earl, in using the word "democracy," no doubt thought of the tale of giving a dog a bad name and hanging him. "Democracy" might be a very good or a very bad word, according to the sense in which the noble Earl used it; but what did the noble Earl mean by it when he contrasted his principles of government with those of the Government which he had succeeded? Had the Government which the noble Earl had succeeded in any way advanced democracy in its bad sense? In its bad sense it meant no doubt insurrection. In its bad sense we had enough, and more than enough, perhaps, to dissatisfy us with it on the Continent. In its bad sense two feeble attempts had been made to wield democracy on the part of two feeble democrats, whom he would not more particularly indicate, within the time of the late Government. Those attempts had not been in any way advanced by the Government of the noble Lord; but they had been most signally put down, in one case by the energy and ability of Lord Clarendon, and in the other by the energy and ability of the then Secretary of State for the Home Department, sustained as he had been by the good sense and feeling of the large mass of the people of England. But democracy was a very pliable word—like Protection. Democracy might mean the total exclusion of the monarchical principle, or it might mean only justice to the people at large. Let the House look at the Governments of Europe at this moment, consider what they were, the principles on which they were carried on, and see if those were prospering from which the democratic element was entirely excluded. There were on the Continent of Europe only two principles of government observed—he omitted altogether what were called "military occupations," which now prevailed in some parts of the Continent, because he considered them no Governments at all. There was the high monarchical principle which might be found in Austria and Russia, where it was developed in its most favourable light, where it was conceived that they best secured order by having an hereditary Sovereign (as we had in this country), and that the cause of order and good government was to be preserved by investing that sovereign with an imaginary perfection, not given to any earthly power, which would enable him, with the assistance of a small council of his own nobility, with a paternal and fostering hand, to provide for the happiness and welfare of his people. The notion was that which had been expressed sometimes by persons of very strong principles of the old school of this country, that the people had nothing to do with the laws but to obey them; and, accordingly, in those countries that principle was carried out to the full extent. But what was the result of it? If we could have really a perfect sovereign—perfect in all kingly virtues and abilities—if we could have a human being endowed with that supereminent wisdom that he would be able to provide for the welfare of a whole community of his own autocratic wisdom, then, indeed, the dream of the poet might be realised—

> "Nunquam libertas gratior extat
> Quam sub rege pio."

But the thing had never been seen, and the result of trusting any men with that species of power had been to corrupt them on the one side, and to make them arbitrary and capricious; while, on the other hand, it had reduced the people politically to the condition of children, never arriving at the dignity of thought, nor exercising the powers of an enlightened manhood. The result realised the wish of the Emperor Francis, who once told certain professors it was not learned men he wanted, but good subjects. So this class of monarchs did not want to educate the people; they did not want to instruct them; they did not want to help them to aid themselves, because, if they did, they would soon find out the monstrous imposture of their system of government, and the whole would fall to pieces. The result was, that if any degree of enlightenment or any advance of education did take place among the people, and they sought for any political enfranchisement, their remedy was to put them down, either by means of spies, or by the mockery of their tribunals; and if those would not do, then to put them down by means of an armed force. There was an opposite principle of carrying on the Government—the principle which had been adopted in this country, and which, though it had not been carried out to the same perfection as with us, had been also adopted in some other countries of Europe. It was this: We had an hereditary Sovereign; and he thought we had secured good order by such a course. We had, besides, a council composed of persons who, at all events, by their property and station, had the means of acquiring, and might be presumed to have acquired—for in politics we must always deal with large generalities—a certain degree of information to fit them for forming an upper chamber of legislation. There was a second chamber composed of the representatives of the people. According to this system, the people, instead of being repressed, instead of being prevented from thinking for themselves, and made the objects of an absurd paternal care, were invited to look to their own interests, and to govern themselves. They were regularly trained by means of municipalities and otherwise to manage their own local affairs in the way which they thought best calculated to secure their own happiness and comfort; and, being possessed of this political education, the Government were not afraid to intrust them with the further power of choosing those persons whom they thought best fitted to represent their opinions in the Commons' House of Parliament; and this was the democratic principle which existed in the institutions of this country—a principle which gave to a large proportion of the people the just right which they had, and which he trusted they would always maintain, not of being governed on the notion of their being in their infancy and childhood, but of being governed as free men, and as members of a free State. Now, he called the former of these principles the principle of fear, and the latter the principle of confidence; and on the principle of confidence he had always proceeded when he maintained that there ought to be a liberal extension of the franchise. He believed it would very soon be found by all nations that there was no safe basis on which government could rest except the secure principle of the confidence and affection of the people—but not on affection alone, for that might be the subject of impulse, and that was too slight a foundation on which to rest: it was equally necessary that the people should be politically educated, so as to enable them to act for themselves, to exercise their minds and their judgment, and to appreciate the high moral and intellectual qualities which fitted men to take a share in the representation of the country. If that were so, he asked if the noble Earl who spoke of acting on the monarchical, and deprecated the democratic principle, was prepared to propose any change in our institutions—he meant in a retrograde sense? Was he prepared to limit that confidence which had hitherto been reposed in the people of England? If he was not prepared to limit that confidence, on what grounds did he bring forward the claim to which he had just referred as a supereminent qualification of the members of his Administration, as compared with their predecessors, to the government of the country? Was the noble Lord prepared to say that the franchise should never be extended? If he was prepared to say that he would never extend it, there was an end of the principle of confidence, and all that we should then have would be the monstrosity of an oligarchical democracy. To confine the representative power to 1,000,000 out of 4,000,000 or 4,500,000 of the male population—to act upon the deadening principle of want of confidence, would be fatal to the life and energy of the nation, and would be destructive of any system of government. He would say at once, with reference to the noble Earl's declaration, that the noble Earl might say what he would, but no Government could ever stand many months in this country, certainly not for years, which should commit the fatal error which one of the greatest of our public men committed when in power, of declaring that there should be no reform in the representation of the people. Surely our whole life in this country was one of progress; and why should we stand still in the reform of our representation more than in anything else? The hon. Member for West Surrey (Mr. Drummond) had advanced the most singular doctrines upon this subject that he had ever heard. The hon. Member said, "You admit that there is danger in extending the suffrage, but you tell us to rely upon the affections of the well-disposed and enlightened portion of the people. But suppose all these good dispositions should go off, where will you be?" He (Sir W. P. Wood) would ask the hon. Member whether, if they brought those large numbers to which he had referred within the pale of the constitution, they would be more dangerous there than they would be without the pale? Their numbers were the same without as within the pale, and their power was just as great. The hon. Member had used the curious illustration of a pair of wild animals—the one starving and the other with a portion of food in his possession, and he had said that the starving animal would soon possess himself of the food if he were the stronger of the two. Now, this illustration might have been a very formidable one during the existence of a corn law; it might have been so, for instance, when the common people were starving in 1817-18, and when there was an unreformed Parliament, whom the people believed to be the authors of the calamity. But, happily, we had obtained a reformed Parliament, and as a matter of course, the monstrous abuse of the corn laws had been swept away; and when he was first thrown into contact with a Parliamentary constituency during the disastrous year 1847—when the loaf, instead of *5d.*, as now, was selling at 11½*d.*, he was happy to be able to tell them that that high price was owing not to the hand of man, but of God—that the scarcity was a dispensation of Providence, and not a dearth made by human legislation—and that it became them to be patient. Now, he could not have said that during the existence of the corn laws. Then, again, the hon. Member asked what had the House to do with the ballot—it is a great question for our constituents. Now, he was going to follow his good example, and not enter into the discussion of that question then. He had voted upon it last Session, and he should probably have an opportunity of voting upon it again this Session; but he could not allow the observation to which he had just alluded to pass unnoticed. He (Sir W. P. Wood) admitted that the ballot was a question for the constituencies; but unfortunately the constituencies could do nothing in it without the help of Parliament. He believed that most of the large constituencies wished so to vote; he knew that his own did. The House was constantly told on Motions of this kind to regard them with great alarm, for here was the progress of democracy; and they were told to take care, and look at France. Well, he had looked a great deal at France, and he had come to the conclusion that, if they wished to save this country from the calamities of France, they should avoid the enormous errors which had occasioned them. They all knew that up to the time of the first Revolution, France was under the species of government which he had before described; in other words, the central power was everything, and the people nothing. The people never had any political education whatever. A small portion of political education was to be found in one profession, namely, the law, in consequence of the existence of the local Parliaments; but as to education to fit the people for the management of the affairs of Government, there was none. The people were, besides, enormously oppressed. The result of the paternal Government was, that the large body of the nobles, and those who had influence at court, were exempt from taxation, while the mass of the people were heavily burdened. The people at length became exasperated, and rose up in a fearful and tremendous revolution, the like of which, he trusted, from our better system of government, we should never experience in this country. The consequence had been, that the people had continued in a perpetual state of confusion ever since—unable to settle down to any fixed system of government—grasping every now and then with childlike feeling at anything new which they saw in the constitutions of other countries, and trying to engraft it on their own, but never attempting anything original for themselves, in accordance with the genius of their own system. No person who had ever presided over that country—not even Louis Philippe, who, he admitted, had much prudence and much thought—had ever attempted to rule upon the only true system of government, namely, that of confidence and reliance upon the people, which would have induced him, if he wished to imitate anything in our system of government at all, to have commenced by training the people in the exercise of municipal and local self-government, and so to have prepared them for the exercise of the higher functions of government. Instead of that, however, everything was managed in Paris, and orders sent down to the Prefects on every occasion, without exhibiting the slightest confidence in the people; so that when, at length, it was declared that universal suffrage should prevail, not one of the people knew how to exercise the great and important trust that had been reposed in them. One remarkable feature in the last portentous revolution in France was, that when the President declared from (he had almost said) the throne, that there was to be universal suffrage, there was a very general voting, but not one public meeting was held. Only conceive such a state of things in England! Why, if there had been a change of one-tenth part of the magnitude of that which had lately taken place in France, we should have had meetings assembled in every borough, county, and parish, to express their views upon it, with a chairman to preside over each of them, with resolutions put in proper form, and with a decision by a majority, to which the minority would have bowed. The French people had never known what it was to bow to the opinion of a majority, and to be guided by public meetings; in fact no meetings were had except in the case of a few clubs in Paris; and when the people found themselves in a minority they immediately concluded that the only thing to be done was to have recourse to arms. This was the example which was put before them to frighten them from enlarging the franchise and extending political education. For his part he would urge their state of things as a warning why they should do it—why they should not allow a large mass of the people to be excluded from the franchise until they were driven at last to admit them by fear and panic. The hon. Member for West Surrey had told them he did not know what the noble Earl meant by the constitution of England—that he had never had been able to find it. He (Sir W. P. Wood) was certain the hon. Member never had—for he had told them that it was a part of our constitution to retain the small boroughs, for the purpose of admitting into Parliament men of talent and intelligence who might otherwise be unable to gain admittance. He (Sir W. P. Wood) admitted that the small boroughs had had that advantage, but it was no intentional one; it was a mere accident; it was no part of the constitution. It was at once time considered by constituencies to be a burden to send representatives to Parliament; and they were therefore only given to large towns; and there was no such intention with regard to small boroughs as was stated by the hon. Member. The real fact was, that at the time of their Reform Bill, that was one of the abuses of the representative system, which if it had not been remedied, and the small boroughs swept away by Parliament, would have destroyed the constitution. He would tell the hon. Member what his notion of the constitution of England was: It was like the common law of England. The common law was not to be found in any book, but in the long-settled habits and practices of our ancient kingdom, which had become interwoven with, and formed part and parcel of our judicial system; and so of the constitution. They must not expect to find the constitution written down in *Blackstone* or in any other author, or even in the Statute-book; but they would find it in the system of Parliamentary practice which had grown up in the course of ages, and which he would take the liberty of calling the constitutional path of government in this country. Now, this constitution just made the difference between the French and other foreign systems of government, which adopted abstract views into their dead systems; whereas ours was a living system; it had grown with our growth, and was in a constant process of development, and did not borrow from other systems that which did not assimilate with the institutions and genius of the country. Our system had been carried onward by the Reform Bill, and not a moment too soon: and now the hon. Member for Surrey has asked why the noble Lord the Member for London should have brought forward a new Reform Bill at a time when all was quiet, easy, and peaceable. He (Sir W. P. Wood) maintained that this was just the time in which such a matter ought to be brought forward. It was the most fatal error that ever happened to withhold relief from the Roman Catholics until those who then wielded the Government were obliged to declare that it could no longer be withheld, because, although they retained their original opinions against it, there would be a civil war in Ireland if the relief was not conceded. Anything more fatal to the constitution and good government, he could not conceive. We were near the same pass at the time of the Reform Bill. He admitted that there was considerable danger, and an inroad on the ordinary course of our procedure, in the political unions which then existed; but happily the Government were wise enough to take warning. He held that it was of great importance that that measure had been brought forward by a noble Lord (Lord John Russell) in whom the people had great confidence, because on that subject he had always retained the same opinion; he had brought forward similar Motions from time to time, and could therefore honestly say that he had brought it forward, not in consequence of intimidation, but because he wished to carry out the principles which he had always upheld. Take the case of the corn laws, which were repealed only just in time. Suppose that the famine in 1847, and the outbreak in France in 1848, had occurred while the corn laws remained unrepealed, what a fearful position we should have been in! He maintained that such reforms should be made in peaceful times, and that we should always prepare for emergencies. He had stated that it was a part of the principle of the constitution that it should always go on expanding itself. He remembered seeing a beautiful illustration in a speech which he had read. The speaker said that there must always be progress in life; that if they cut a certain number of trees in a forest in a given shape during the winter they would be all uniform and regular, but by the summer it would only be the dead trees that retained this uniformity —all that had life and energy in them would have lost their uniformity of shape. So it was with systems of government. The noble Earl at the head of the Government had said that the country did not want continual changing and tampering with the constitution. Now, he (Sir W. P. Wood) would say in reply to that, that if we had a living principle in our system of government, we must expect to see alterations made in it every now and then. During the last 20 years we had had remarkable developments in everything else. Commerce and manufactures had expanded, and new towns had sprung up. In the Reform Bill of the late Government it was proposed to transfer the franchise of St. Albans to Birkenhead, a town that had no existence at the time the Reform Bill was passed, and yet it had now grown so large as to be selected for the transfer of the vacant franchise. This was a fact which spoke volumes on the subject. Railroads had also sprung up since then, and large towns were everywhere arising near the railroads. Nor were the changes confined to physical development. There had been great progress made in educational development within the same period. The National School Society had in that time raised the number of their pupils from 400,000 to upwards of 1,000,000. The Dissenters had also been educating their people. Then look to the savings banks and benefit societies, and it would be found that the people had greatly advanced as regarded habits of frugality and providence, as well as in educational intelligence. If in such things the people were advancing at this rate of improvement, why should all else stand still, and those who had become more frugal, more educated, more intelligent members of the community, be excluded from the enjoyment of the franchise? And if the present franchise was retained, a very large number of them would be excluded. He had stated to the House before, that on the celebrated 10th of April, 1848, when there was so much anxiety felt for the peace of the country, there were between 200 and 300 workmen employed on the Houses of Parliament, who declined to be sworn in as special constables, not from any bad feeling, for they said they had no objection to guard the property, but they would not be sworn in to go against "their order." And yet the hon. Member for West Surrey saw no danger in refusing to admit that class of people within the pale of the constitution. His (Sir W. P. Wood's) notion was, that if they included them among the other classes in a community of right, they would hear no more of these people considering themselves "an order." The hon. Member for West Surrey said, that there was no principle in the Bill lately introduced by his noble Friend (Lord J. Russell). It was true that there was no principle involved in the difference between a 10*l.* and a 5*l.* qualification; the principle was, that it was a test of intelligence and an interest in the affairs of the country, which might be gathered from a man continuing to reside in a particular spot, and occupying a house, and being perhaps the father of a family. The hon. Gentleman might as well say that there was no principle in the qualification of a 40*s.* freehold, which was a franchise as old as Parliament itself; and it was adopted as a test, though no doubt a rude one. He (Sir W. P. Wood) would so extend the franchise that he would not refuse the tests which were mentioned by the hon. Member for West Surrey; but he thought there ought to be some test which was coupled with the fact of residence, which was most important. At the same time he (Sir W. P. Wood) at once admitted and proceeded on the principle of there being no abstract right. He never for a moment had admitted the abstract right of anybody to anything in this country or in any other. He did not know anything about abstract rights. The hon. Gentleman who seconded this Motion had said something about his not understanding upon what principle such and such things had found their way into our constitution. Why, we had not got a cut-and-dried constitution. That had not been the case in England at all. They lived in a society as units of that vast corporation which formed the whole nation. That corporation was a living thing. They found certain means and appliances by which they could legitimately accomplish such changes as might be necessary, and every man set to work to effect those improvements and reforms to the best of his ability without occasioning any disturbance whatever. That he apprehended to be the principle upon which they could proceed, and not upon any principle of abstract right. But they must have general principles, though not abstract rights, and he said the right principle was to confide and trust in the people. They might be obliged to make exceptions, because it might be said, "We think education has not been sufficiently diffused to this part of the community," or, "We don't think another portion of the community, from its local and shifting character, should be intrusted with the franchise." They had a right to lay down all these limitations for argument and discussion; but he did say it was a monstrous thing to assert that in this country, intelligent as the masses had become, there were only 1,000,000 of people qualified to exercise the elective franchise. That was a principle to which he was not now prepared, and to which he never had been prepared, to accede. He believed that they possessed two immense advantages in the population of this country. He had said that there were other Governments—unfortunately, not many—in Europe which adopted our principles. One of the most distinguished (not as to its size, but as to its prosperity) was Belgium. Why had the representative system thriven there? Because the Government could have confidence in the people, who had been educated for ages in municipal government. The great municipalities of Ghent and Bruges and other towns, had given the people habits of political education and thought; and in that country, better than in any other on the Continent, had the representative system succeeded. The Belgian people had also another quality, which he believed had been singularly favourable to this country. The English people were a strongly religious people—a people deeply imbued with religious faith. He had a deep confidence and trust in those principles, that they were the best security of order at all times, under any Government. Now, the same thing existed remarkably in Belgium. He was glad to make the admission that the people of that country were a deeply religious people, professing as they did the Roman Catholic religion, because during the last Session he had shown that he was not disposed to favour any encroachments on the part of that faith. He believed these circumstances had been to them a great security; and sure he was that it would be a vast security to this country in any reform or extension of the franchise. He had now only a few words to say with respect to the course he would take upon the present Motion. That Motion had, he thought, been most valuable in eliciting discussion, and he considered it most important that the subject should be discussed at this time. That any Bill on the subject should now be passed, was entirely out of the question. He had supported the Motion of the hon. Member for Montrose (Mr. Hume) on three successive occasions, and had said that he wished to see such a measure carried; but he had said, and he would repeat, that he was not—and he believed many hon. Gentlemen who had voted with that hon. Member were not—bigoted to this particular Motion. They desired to force, not this particular plan, but the principles of reform upon the consideration of the Government. He had before said, that he believed this matter to be so serious, so all-important to the welfare of the country, that as long as the Government maintained silence on the subject, and would not engage to undertake an extension of the franchise, he would continue to vote for this Motion, and for every other which might lead to such an extension, provided he thought they did not go beyond what he considered to be safe and proper limits. At the same time he had said that he very much wished the Government, instead of telling the House what they did not like, would tell them what they did like, and would bring in some measure of their own, because their measure would be carried, while that now before the House could not. He voted in the last Session in favour of Mr. Locke King's Motion for Reform, and on that occasion the noble Lord (Lord J. Russell) made a declaration of his desire for an extension of the franchise. He was delighted to hear that declaration, because he believed that if pressed in earnest by the noble Lord, such an extension would be adopted, before it was probable that any catastrophe could occur in consequence of the continued folly, as it appeared to him, of resisting an extension of the franchise. But not only was that declaration made by the noble Member for the City of London, but in the Queen's Speech from the Throne, at the commencement of the present Session, they had a declaration that the state of the representation was not satisfactory. He conceived, therefore, it was impossible for any Government long to exist which opposed itself to this absolutely essential measure; he believed that whatever Government might succeed a Government antagonistic to this measure, would, if it were not even desirous and willing, be compelled and obliged to bring in a measure of reform. He did not quite despair of receiving it from hon. Gentlemen opposite. Why, if the people at the next general election pronounced upon this question, might they not have such a measure? They did not yet know what was to be done with Maynooth; they did not yet know what was to be done with Protection; they did not yet know what was to be done with Reform; but he believed the people of England would pronounce themselves for reform, and therefore he did not despair of receiving it from the hon. Gentlemen opposite. Sure he was, however, that if the people did not receive it from their hands, they must obtain it from any succeeding Government, be it what it might. That being the case, he did not see the advantage of binding any number of hon. Members to any specific plan which was not likely to be carried as a whole, before some plan was laid before the House which was likely to be carried and to become the law of the land. The Motion included a variety of measures, of which he expressed no disapprobation; but he wished to have an opportunity of calmly considering any measure which might hereafter be proposed, and to keep himself free as to the vote he might give upon any measure so brought forward, Certainly on one point he agreed with the hon. Member for Montrose—he would vote for the ballot whenever it might be proposed; but in the meanwhile seeing no probability of the Bill for which the hon. Gentleman moved being passed, even if they carried the first reading to-night, although he would not vote against the Motion, he would take no further part with reference to it beyond stating his opinions and views.

MR. NAPIER said, that in much that had fallen from the hon. and learned Gentleman who had just sat down, he entirely concurred; but he was afraid that if some of the principles he had advanced were strictly followed out, they must, in the end, lead to universal suffrage. Since he had had the honour of a seat in that House, he had had many opportunities of hearing this question discussed, and he had had the pleasure and advantage of hearing from the noble Lord the Member for London those sound constitutional expositions which induced him to vote against the Motion of the hon. Member for Montrose, and others who brought forward similar Motions. The hon. and learned Member had drawn a picture of certain despotic Governments on the Continent; and he (Mr. Napier) abhorred despotism, and the licentiousness and anarchy which had taken root in other countries, as much as the hon. and learned Member did. But while the hon. and learned Member pointed to one class of despotic Governments, and to another class of unrestrained democracy, he pointed also to the peculiarity of the constitution of England, which, not dealing with any supposed perfection, either in the monarchy or in the people, dealt with human nature as it found it, and gave us a constitution, which had not grown up in a moment, but gradually and slowly, and thus possessed all the elements of stability; and he (Mr. Napier) fully acquiesced in the praise he bestowed on the British constitution for the admirable manner in which it adapts itself to the imperfection of mankind. But, if it were so admirable, why change it? The question was not about extending the franchise; for he thought there were several modes in which they might usefully extend the franchise, other than by that which would work so essential a change in the constitution of the country, which is now asked for; and he would ask whether this one mode of extending the franchise, by lowering the property qualification, would give stability, consistency, and maintenance, either to the monarchy or to the House of Peers? Now, no doubt that was a difficult question to deal with. He did not agree with the hon. and learned Gentleman, who assumed that, if the standard of franchise was to be left fixed at 10*l*., that would check the number of electors, and keep them at their present amount. On the contrary he believed that, having by the Reform Act fixed a moderate property qualification as the standard for the suffrage, they thereby enabled every man who chose, by the exercise of honest industry, and frugality, to reach that position which would confer upon him the franchise. An argument was used, that so much corruption had crept into the constitution as it now stood, that it could only be got rid of by lowering the franchise and by the ballot. Now he could understand the principle of endeavouring by education and other means to make the constituencies of the country more moral and more alive to the responsibilities of their position; but he feared that the present was only one of a class of efforts to correct by legislation the infirmities and vices of human nature, which could only be met by education and the appliance of moral agencies, not by the shifts and tricks of the ballot-box. Secrecy was not congenial to the English character. Take the case of a landlord and his tenant. By the arrangement of the ballot-box the tenant was to vote in secret, and then tell his landlord that he had not voted, as in point of fact he had done. How would that improve the morality of the tenant? Then it was remarkable that this provision of the ballot-box was always connected with a lowering of the franchise. Why was this? Plainly because it was suspected that in lowering the franchise they would not get into a purer atmosphere—because they were giving the franchise to those who had less education, and over whom bad habits had more power; you tampered with the bad passions of the people; and if that were so, what became of the appeal to their conscience? The example of municipalities had been appealed to; but on what were those municipalities founded? On the commercial principle, on the exercise of habits of honest industry and frugality on the part of the municipal communities. He admitted that there were persons who, though they did not occupy 10*l.* houses, yet were members of the liberal professions, and men who had invested money in savings banks and in the funds—all tests, he admitted, by which they would get persons who would exercise the franchise consistently with the principles of the constitution. But the abstract question before them was not whether they ought to extend the suffrage, or whether it ought to be largely enjoyed; for he maintained that it would be largely enjoyed as persons, by patience and perseverance in honest and industrious habits, reached that moderate property qualification which had been fixed as the standard of the franchise. That some limitation was necessary was evident from the question that had so often been asked, why ladies should be excluded from the possession of the franchise. His own opinion was, that if they lowered the franchise, they would only extend the facilities for designing persons to lead away its uneducated and ill-trained possessors, thus opening the sources of still more extended corruption, and that the ballot would not correct that evil. He would, therefore, warn the House not, by lowering the qualification, to let in democracy. They did not give intelligence its fair position when it was swamped by mere numbers. If they extended the suffrage to men who, by want of intelligence and want of education, were disqualified for its proper exercise, they would break down the just rights of the people, the House of Peers—which was the balance of the constitution—and the Monarchy, which was bound up, and he hoped ever would be bound up, with the peace and prosperity of the country.

Mr. ROEBUCK: Sir, I am anxious to express, as briefly as I can, my opinion on the proposition of the hon. Member for Montrose; and all the more because I am not pleased with the conclusion of the speech of the hon. and learned Gentleman the late Solicitor General (Sir W. P. Wood). I agree with my hon. and learned Friend in all his premises—in almost every thing he said as to the proposition of my hon. Friend the Member for Montrose. I agree with him as to the conclusions he has drawn, but not as to the result to which he has come. He agrees with all that my hon. Friend the Member for Montrose proposes—he agrees as to the propriety of the Motion, the time at which it was proposed, and the extent to which it is carried; but, nevertheless, he is not prepared to vote for it. Sir, I could select a reason for that conclusion, which, however, I shall not puzzle my brains at this time to discover. I accept his reasons, I take all his propositions, but I will not take the motive which suggested his conclusion. I want to know why the proposition now before the House should not be entertained? A proposition to reform the constitution of this country was proposed by the noble Lord the Member for London in the year 1831, and that reform was perfected by an Act of Parliament passed in the year 1832. Twenty years have passed since that time—twenty years of experience of the changes which were then proposed—and the noble Lord himself proposed, in this year of 1852, another reform of his Reform Bill. Previous to the Reform Bill, this country was governed by an oligarchy. It was by a small body of the proprietors of land that the great majority of the House of Commons was returned; and as by the Revolution of 1688 the House of Commons was rendered the dominant party in this country, this small party of the proprietors of land in England were the rulers of England. But by the Reform Bill of 1832, what was then an aristocratic and narrow oligarchy was prostrated, and the landlord interest was no longer predominant in this country: there was then introduced, as there now exists, a large portion of the wealth of this country known as the manufacturing interest—that manufacturing interest is now represented in this House. But we see—as I suppose the noble Lord saw—else why a new Reform Bill?—that this was not enough. It was not enough to take away the oligarchical rule of the landed interest, and to substitute in its place the manufacturing interest of this country; because there are thousands and millions in this country who have neither land nor that species of power which is derived from the possession of wealth; but who have intelligence, who have morality, and, with the two combined, have opinions which deserve to be represented in this House. Now, what do we want in this House? We want a body of men to represent, first the intelligence, and next the good feeling of this country. How are we to get these two things? Will any one say that the intelligence of the country is represented by the persons who possess land? I think I heard the noble Lord once talk of the "clay intellect" of this country. Is it or is it not true that the persons possessing land do represent the clay intellect of this country?

AN HON. MEMBER: Probably they have quite as much intellect as any other class.

MR. ROEBUCK: I am sure that interruption must have come from a person representing land. I go further, and say that it is not by the possessors of land that the interests of this country are represented. Is it by the persons who possess wealth? Not at all. There is a large mass of intelligence in the country which is represented neither by the possessors of land nor by the possessors of wealth in any shape. Therefore, if you want this intelligence represented, you must get other means of doing it than by the interests of land and wealth. If that is the case with respect to intelligence merely, assuredly the same holds true with respect to what I will call the good feeling of the country. I shall take the one particular class, and I ask the House to listen to me while I describe it. I take the class who are the mere producers of wealth by what is called manual as compared with intellectual labour; I take that class who are called instructed artisans. Here I have a body of men, numerous in this country, who are neither the possessors of land nor of accumulated wealth; but they are intelligent, well trained, possessing instructed minds and instructed hands: they are men who, from day to day, by the produce of their instructed labour, obtain the means of honourable subsistence for themselves and their families. They are men who, in their lives, set an example to all the other classes of society. They possess everything which a good citizen ought to possess. Those men, instructed, intelligent, and moral—those men are by law excluded from all voice in the government of this country. And why? I will take the case of a lodger in the city of London. A man by his daily intelligent labour earns for himself an honest subsistence; but he lives in lodgings. By the Reform Bill of the noble Lord—I do not impute it to him as an intention, but *per incuriam*—such men, thus deserving, capable of suggesting every thing worthy of a statesman to hear—such men are specially excluded by the Reform Bill from the suffrage. Now what says my hon. and learned Friend the late Solicitor General on this point? And here let me take the opportunity of saying that, so far as he propounded the doctrine of "abstract right," I entirely agree with him. As to "abstract rights," I honestly confess I don't understand the term. I don't know what it means to say that a man has an abstract right to be represented. I don't understand the term at all; but I do understand this, that if you do not get the honest and industrious classes represented, you cannot have good government. That is all I ask. I bring before you educated and moral men, and all I ask is, why, by the constitution of your law, you should exclude these men from the suffrage? I don't ground their demand upon any abstract or constitutional right; but I say, for the good government of the country, these persons ought to be included in the constituency. As I am about to show, these men are instructed and moral, and I want to know why you should exclude them? I am talking now of the instructed artisan—a man who does not live in a 10*l.* house, but happens to live in a lodging in London, and many of whom are excluded. I want him to be a constituent, not because he agrees with me—ten chances to one he may not—but because he is a man who by honest industry earns his own subsistence. Next, he is an instructed man; and, thirdly, he is a moral man. Possessing these three qualities—independence obtained by individual exertion; intellect to guide him in the judgment he ought to form respecting the government of the country; and morality—that man ought to be a portion of the constituency of the country. I place him on a level with any class in the community on these grounds, and I say that man, as I have described him, is as worthy to be a constituent, and to vote for the election of Members of this House, as any hon. Gentleman sitting on that bench. I may be told that these Gentlemen are men possessing thousands of acres; but I ask those men, will they presume to say that it is they who possess all that distinguishes England from the other nations of the earth? Who contributes thereto? The artisans. And shall they be excluded? Those Gentlemen are the representatives of land, indeed; but is not that to be found also in other countries? They are the representatives of wealth; but is not that, too, to be found in other countries? But that which is not to be found in other countries is a body of men trained to labour and obedient to the law, with all the power in their hands of mischief, yet understanding what the law is, and so submissive to it that they obey it by its word, and nothing more. I say, these are the persons I select and place before you, and I ask you to tell me whether they ought not to be represented in this House. They distinguish England from all other countries —one other only excepted, namely, America; yet those are the persons who, according to the present law, are excluded from having a voice in the representation. And the proposal of my hon. Friend the Member for Montrose is, that they should be included amongst those by whom the representatives of the country are elected. I know there is great talk of the dangers of democracy, and I heard the noble Lord the Member for London the other night answer a statement made by the noble Earl at the head of the Government with respect to democracy in this country. I very much sympathise with the noble Lord, but there were certain phrases in his speech that created suspicion in my mind. Democracy, as I understand it, is equivalent, if I may use the Latin phrase, to *populus* as opposed to *plebs*. I do not want either the aristocracy, or the *plebs*, or any class, to govern the country. The class I mean to point out by the word *populus* is described better by the word "the nation," than anything else. I want "the nation" to govern itself. When the noble Earl at the head of the Government says that he is opposed to democracy, what does he mean? Does he mean to say that in this country there are what are called Communist notions? Does any person believe that the artisan in this country has any notion of what are called Communist principles? Not at all. The moment a man gains anything by his own labour, that is a man, you may depend upon it, to defend the sacredness of property: he is the first man to come forward and say, "This is mine—it is the result of my own honest labour and of my own intellect—I am not going to have it destroyed." You will find that no communist principles will really be received amongst the artisans of this country. As to our including the agricultural labourers, I do not know what to say; because they are not educated—their education hitherto has not been much taken care of; but of this I am sure, that go into the large manufacturing towns of this country, and you will find that the artisan who is the manufacturer of his own fortune will be the first to oppose himself to anything like communist doctrines, and is the man that could be depended upon for the maintenance of what is called the sacredness of property. And if this be so, where is the objection to this man? I ask those Gentlemen who sit on the opposite benches, as well as the Gentlemen who sit here, and are as much opposed to the proposition as the Gentlemen opposite, what is it they fear? I can well understand a sort of personal antipathy on their part—a sort of fear of coming into nearer contact with persons who hitherto have not possessed power; but when you come to discuss fairly what it is you want in the constituent body, I wish to know what there is in the proposition of the hon. Member for Montrose that can excite alarm; as for the ballot and the other points, they are as dust in the balance compared with this. My hon. Friend proposes that every man of twenty-one years of age who shall be resident occupier of a house or a part of a house for twelve months, and shall be duly rated to the poor of the parish for that time, shall be registered as an elector, and thereby be entitled to vote for representatives in Parliament. I ask what there is in that description that should excite your alarm? Make out that a constituency so composed would lead to mischief, and I will say you have proved your case. If you tell me there is a vagrant population in every community, I acknowledge it; but they are not included in the proposition of my hon. Friend. If you tell me there is a great population of mere labourers, who live by the labour of their hands, and go about day by day to different houses, I acknowledge it; but they are not included in my hon. Friend's proposition. All we say is this: here is a body of men who live one whole year in the same houses, who pay the poor-rates for these houses; and where is the danger of allowing these men to vote? Oh, it is said, that is not sufficient, the voter must have a 10*l.* house; but the noble Lord's Reform Bill brought it down to 5*l.*; and there are very few houses in this country that are under 5*l.* My own farm labourers, at 9*s.* a week, pay 5*l.* a year. In London, and various towns, there are persons who are lodgers; and I ask the noble Lord if his own experience does not teach him that the lodgers of the country are some of the most educated men thereof? It is said, and I believe it, that this House represents all the feelings of this country; but that is not enough—

we want, not only that it should represent the feelings of the country, but at the same time that it should not excite any feelings of jealousy, or complaints of injustice; and when you will look through the educated classes of the community, and when you look to the artisans, you will find there is a strong feeling of injustice, because of the peculiar mark you have made to enable a man to be a constituent in this country. In the country, and in London throughout, from one end to another, you will find thousands—I was going to say millions—who by being lodgers are excluded from the registry. There is not a parish in which you will not find persons as lodgers, living with those who are entitled to vote, in every possible degree of higher qualifications of mind and morality, and everything else, than the persons who possess the votes for the houses in which they live. I want to know whether that is to continue. I will not go into the question of the ballot—I was surprised to hear the hon. and learned Gentleman the Attorney General for Ireland (Mr. Napier) propounding such fallacies concerning it —I thought such notions had passed away. It is not worthy of him, or of this House, to say that the ballot is un-English. Has he ever voted by ballot in his club? and, if he has, I want to know why he should object to it when voting for Members of Parliament? There is some person in society whom he may think a bore, and therefore wishes to exclude from his club; and if for that mere personal consideration he has accepted the ballot, will he not allow it to a man who is called upon to vote for his country? Will he not allow to a man who acts under the coercion of a landlord, or of a person who deals with him?—will he not allow that man to have his independent opinion, but rest upon the wretched argument that the ballot is what he calls un-English? I beg to ask why the right hon. Gentleman himself ever voted in this way—why he did not say he would not vote in this un-English manner? Did he ever, when asked to vote at his club by ballot, say, "I don't like it—it is not bold or open. I shall tell Mr. A., whom I think a bore, that I shall not vote for him—that I shall exclude him from my club; I will not submit to the degradation of secret voting; I will do it by open vote." I will be bound the hon. and learned Gentleman never did any such thing. He wants the influence over the elector that open voting will give him. Let him say so, and I will acknowledge the argument at once, and grapple with it; but let him not attempt to deal with it by sham, and say it is un-English, and try to persuade me that I am wrong. If the tenant does not now vote as the landlord pleases, he knows the consequences. It is the influence of the landlord over the tenant. Now, what is that influence? Is it one proceeding from respect? Is it the influence of a highly instructed over a less instructed mind? No; it is the mere influence of a dominant will over the will of another man. The landlord does not in such a case come to the tenant, and say, "I think you will find that Mr. So-and-So is not a good representative, because of his opinions;" but he sends his agent, who has this message: "Tell the tenant that this is my will; if he does not vote as I please, he must take the consequence." The hon. and learned Gentleman must believe one of two things: either he must wish to retain, by means of open voting, the sort of influence just described, or he must suppose that the elector will become demoralised by voting in a manner contrary to his expressed intention. Now this, I suppose, is what is meant by un-English; the tenant, it is feared, will promise his landlord one thing, and do another. But why does the landlord ask him at all? Nobody asks the hon. and learned Gentleman how he is going to vote at his club, because, in the first place, it is considered that no one has a right to put such a question; and because, in the next place, he would not answer the question if it were put. Take the case of a voter in a county. A Member is put up. Suppose I am the tenant, and the hon. and learned Gentleman the landlord, than whom nobody can be more opposed in politics. Give me the ballot, and I vote as I like—I vote against the Member proposed by my right hon. Friend; but take away the ballot, and let me stand exposed to all the influences which the landlord can bring to bear, and what am I expected to do? Why, to sacrifice the independent feeling of my mind. This it is which is un-English—that I should be coerced against my will, and be compelled to vote against my conscience. I now come to the last proposition of my hon. Friend (Mr. Hume), by which he proposes that there should be a proportion of representatives more consistent with the amount of population and property. When I recollect that there are small boroughs in this country, of which I can find a dozen, I may say fifty, that hardly has the population of one other borough which yet is not better represented than each of them; then I say the alteration should be made, and you should make the representation more proportionate to population and wealth. And I cannot help here referring to the proposition of the noble Lord the Member for London. And certainly, of all the mischievous proposals ever propounded to this House, that proposing to combine various small boroughs into one, in order that they should be represented by a Member in this House, and conducing in every way to immorality and improper representation in the country, was the proposal. What would be the immediate consequence? Why, that every so-called borough would be like a small county. You would have in every borough an attorney, a committee, and a canvassing body; and if the combined boroughs happened to be five, you would have five attorneys, five committees, and five canvassing bodies. You would have five separate establishments — there would be five centres of corruption, and of expense, and of un-English coercion. If on the other hand the noble Lord had proposed to cast the small boroughs into counties, and disfranchise them as boroughs, and give the representatives to large towns, then I think his proposition would have been more satisfactory; but I say that any attempt to combine anything like a section of boroughs, and thus resuscitate the measure by destroying which the noble Lord obtained his great renown, is a most mischievous measure. I am inclined to believe that it is of advantage to have the minority of opinion as well as the majority represented in this House, and you cannot well have that if you cut the country into squares. What I think is, that we must have another sweeping Schedule A. If you would give us a large expansion of the constituent body of this country, and if you would give us the ballot as a protection, I would be perfectly satisfied to do away with small boroughs, without including anything like an equalisation of property and population. I want to know how the Government will oppose a measure that will bring on the political stage a body of men for whom I find in their individual capacity they are always expressing the most extraordinary concern. I want to know how it is that those men are to be excluded from the representation of this country for any length of time; and I will finish with one remark. It is this: that many—months, I was going to say—certainly not years, cannot pass over before some Minister of the Crown, more prescient than the rest, shall perceive that the peace of this country will be best secured by giving the intelligent artisan of this country a voice in this House; and that we shall find those artisans represented here by some proposed Reform Bill, either on the part of the noble Lord representing his section of politicians in the country, or by the right hon. Gentleman opposite, in order, no donbt, not only fairly to strengthen his own position, but also to give that constitutional security that can only be obtained by the intelligence and morality of the country being adequately represented in this House.

The CHANCELLOR OF THE EXCHEQUER: Sir, although the subject does not appear to be so interesting to the House as one might have supposed, I cannot allow the present opportunity to pass without trespassing for a few moments upon its attention. And, Sir, I shall endeavour to do that which, so far as I have been able to observe, has not yet been done by any Gentleman who has preceded me—not even by the hon. Member himself who brought forward this Motion—for I will address myself to the Motion before the House. We have had from the hon. and learned Gentleman who has just addressed you (Mr. Roebuck) one of those dissertations which no one can make more interesting on subjects of an abstract character; and we have had several speeches from other Gentlemen, certainly, on the subject of Parliamentary Reform. But it appeared to me that those speeches were mainly addressed, not to the Motion upon the paper, but rather to that more celebrated, though evanescent, proposition, which for a moment excited so much interest, but to which, with a due regard to the feelings of the noble Lord the Member for the City of London (Lord J. Russell), I think hon. Members opposite should have had the delicacy not to allude. Sir, among those who have addressed the House is the hon. and learned Gentleman the Member for the city of Oxford (Sir W. P. Wood), who delivered himself of a very elaborate speech, which was evidently prepared to support a Ministerial proposition; and one consequence of the train of his argument, was, with somewhat of inconsistency, a determination to vote against a proposition which for three successive years he had always supported. [Sir W. P. WOOD: I said I should not vote at all.] Well, of not voting at all on a measure which for three years he had supported—a still more interesting dilemma. Now, Sir, when I look at the Motion before the House, I see four propositions contained in it. With a view to place them succinctly before the House, I will recapitulate them. We have a proposal to bring in a Bill which is to extend the franchise; which is to insure that that franchise, when it is exercised, should be taken by means of the ballot; which is to secure a triennial election of Parliaments; and which is to change materially the distribution of representatives, so that they shall be made more proportionate to the amount of population and property. These are the four leading principles involved in the measure offered for our adoption. I understand from the speech of the hon. Gentleman who seconded the Motion (Sir J. Walmsley), that the distribution of representatives which would be deemed more consistent with the amount of population and of property is, to use the language of that hon. Gentleman, a redistribution which will diminish what he calls the territorial influence. ["Hear!"] I am glad I am stating fairly the question before our consideration; and I will commence the few observations I shall venture to make by referring first to this fourth proposition, because it is a more novel topic, and one exciting perhaps the most interest. Well, Sir, I deny the position which is assumed by hon. Gentlemen opposite upon this point. I deny that the proportion of representatives is unfairly arranged in favour of that territorial interest. I deny all the positions assumed in that pamphlet which has been freely circulated, and which has been before the subject of Parliamentary criticism. The hon. Gentleman who seconded the Motion referred to some observations I made on a preceding night. When we had been frequently told that it was a monstrous anomaly that a large town should return only two Members, and that a small rural borough should be represented by the same number of Members, I reminded the House on that occasion of the fact that there were agricultural, or, if the hon. Gentleman prefers the word, territorial constituencies, which, contrasted with the constituencies of large towns, experienced equal injustice, if that distribution of the representation which hon. Gentlemen impugn, which they impugn because of their peculiar interest in towns, and which they propose to rectify by their redistribution, be an injustice. I put the case fairly. The case instanced by me on a previous night was one which, as it is a brief one, I will refer to again, though I have others to which I am also desirous of calling the attention of the House. Mind, I am giving no opinion now upon the particular circumstances before us; I am confining myself entirely to the endeavour of laying the case fairly before the House. You say that the proportion of representatives is so arranged by the present system, that the town populations are not fairly represented in our Constitution and in this House. I deny the accuracy of that statement. I give no opinion at present upon the expediency of any preponderance being given to country or to town in the Legislature, but confine myself now to mere statements of fact. Let me call the attention of the House to the case of North Cheshire; and I invite hon. Members, while I do so, to bear in mind the most advantageous instances which have been brought before our notice on the other side of the question—to bear in mind, for example, if they please, the contrasted cases of Manchester and Thetford. In North Cheshire we have only two towns, and both of great manufacturing importance — Macclesfield and Stockport. The total population of the county is 249,000; the total population of the two towns I have just named is 93,000. There remains, therefore, as the difference between the two, 156,000 for the numbers of the rural population. But while the two towns, with a population of 93,000, return four Members to Parliament, the rural constituency, with a population of 156,000, return no more than two Members. Take the case of South Cheshire, in which there is only one town of note, that of Chester. The population of the county is 206,000, and the population of the town of Chester 28,000, leaving 178,000 of the population of that county who are not represented except by the county Members. The town of Chester, with its population of 28,000, returns two Members to this House, while the rural constituency of 178,000 returns only the same number. I will take other instances of great manufacturing counties. I will take the case of South Derbyshire, where there is only one considerable town. The population of South Derbyshire is 166,000, and that of the town of Derby a little exceeds 40,000, leaving 125,000 of rural population. That population of 40,000 returns two Members, and the rural population of 125,000 returns only the same number. I will now take North Durham. That district of the county contains the important towns of Durham, Gateshead, South Shields, and Sunderland. The entire population of North Durham is 272,000, including both the town population and the county population, and it presents this interesting fact, that while the population of the towns is exactly the same as the county population, yet the 136,000 of the great commercial and manufacturing towns I have named are represented by six Members, while the purely agricultural population of 136,000—the other moiety of North Durham—are only represented by two Members. I might still pursue this. I will take the important county of Kent. West Kent has a population of 400,000. It contains four great towns—Chatham, Greenwich, Maidstone, and Rochester, one of these towns having a population of 100,000. The population of the towns is 169,000, and the remaining rural population is 228,000; yet the urban population of 169,000 returns seven Members to Parliament, while the 228,000 only return the two Members for West Kent. Yes, but year after year we have been told of the monstrous injustice of the distribution of the present electoral system—that our representative system is favourable to territorial influences, and that artificial means have been devised of giving preponderance to the landed interest. But we never heard a single word of these remarkable circumstances which I have just adduced. We have been furnished with many striking contrasts between the number of representatives returned by the great manufacturing towns in South Lancashire, and the smaller boroughs in the south of England; but no Parliamentary reformer has yet condescended to favour the House with the results of a more extended research, which would at least have allowed us to bring to the discussion of this subject more extensive views, and perhaps a more temperate spirit. I will now refer to that favoured region, any mention of which is so favourably received in this House, and whose fortunes, commercial, financial, Parliamentary, and political, are not only the subject of so many discussions in the House of Commons, but are themselves the source of so many local leagues, confederacies, and associations. The people of this part of our country are celebrated for their powers of statistical analysis. They publish tracts, they circulate myriads of pamphlets, they inquire into everything, even as to the profits that colonels of regiments gain by clothing their soldiers. The most minute details are not beneath their careful investigation, and yet it is somewhat strange they have never called the attention of the people to some facts which I am now about to lay before the House. Here is the case of North Lancashire. There are four considerable towns in North Lancashire—Blackburn, Clitheroe, Lancaster, and Preston. The population of North Lancashire is upwards of 460,000. These four towns out of that only take 143,000, leaving for the rural constituencies a population of 316,000. The four towns return seven Members, and the rural constituencies return only two Members. I will now take the case of South Lancashire. It has a population of 1,500,000 under the new census. I will take all the towns, the noblest seats of manufacturing and commercial industry—Ashton, Bolton, Bury, Liverpool, Manchester, Oldham, Rochdale, Salford, Warrington, Wigan. The population of these boroughs is 1,000,000, being two-thirds of the whole population of the county, and the remaining third consists of the rural population. Yet the million of manufacturing and commercial population in this proud county of South Lancashire are represented in this territorial House of Commons by fifteen Members; while the rural population, which is half as great, is represented by only two Members. I am sure the House having heard such long, frequent, and repeated complaints of the injustice done to the population of the towns, and of the improper preponderance given to the agricultural interest, will not feel I am abusing their patience by these details. I will therefore take next the county of East Norfolk, in which there are two great towns. East Norfolk has a population of 250,000. Norwich and Yarmouth have a population of less than 100,000. Yet the 99,000 persons of the manufacturing town and the seaport are represented by four Members, while the agricultural population of East Norfolk, nearly double in amount, are only represented by two Members. I now approach Yorkshire, and that is the last county I will quote. I will first begin with East Yorkshire. The East Riding has a population of 220,000, and contains two towns, one, Hull, a port of great importance. The town population of the East Riding is 94,000, represented by four Members. The rural population, 126,000, are represented by only half that amount. The West Riding remains; and if I were to seek an instance to show that the distribution of the representation of the people is not made with any desire to promote or retain the preponderance of the landed interest, I should seek it in that West Riding which is so frequently referred to in our discussions. There are nine considerable towns in the West Riding—Leeds, Sheffield, Bradford, Halifax, Huddersfield, Wakefield, and others. The entire population of the West Riding is 1,300,000. The town population is about 500,000, and the rural population 800,000. The town population are represented by sixteen Members, although they are only 500,000 in number, while the rural population of 800,000 are represented, not by sixteen Members, but by two. This is the result of what I have just stated. In South Lancashire, among the town population, every 70,000 persons have a representative, and every 257,000 of the rural population have a representative. In the West Riding of Yorkshire every 32,000 of the population of the towns have a Member, and every 400,000 of the agricultural population have a similar advantage. I know it may be said—and if I do not answer the objection by anticipation, I know it will be said—"You have made out a very good colourable case in favour of your views; but you have selected five or six important but partial instances." Sir, I have anticipated that objection, and I have tested this important matter in another manner, which, I think, must be admitted to be a fair mode. Here I have a catalogue of every town in England which has a population of not less than 20,000. There are 77 towns in this list, beginning with Ashton-under-Lyne, and ending with York, with a population, many of them, of course, much exceeding 20,000. They are almost all of them seats of commerce and manufacturing industry, and they include a population of 6,266,000, who are represented by 138 Members. But there are several towns which do not possess populations of 20,000, but which are considerable places as seats of commerce, and which ought to be inserted in any list of the kind, such as Gloucester, Lynn Regis, Kidderminster, and Rochester. I have added about 30 of these boroughs to the 77 towns, all of which have a population of 20,000, and some of them a population infinitely greater. The population of these 107 towns is more than 6,660,000, represented by 187 Members. If we divide the remaining portion of the community among the remaining Members of Parliament, the result will be just this: that the population of these towns have 35,000 persons to every representative in this House, and that the population of the rest of England, the rural population, have 36,000 for every representative. So that, taking this complete and comprehensive view, when you come to a fair distribution of the representation between the country and the town population, the advantage, though not very considerable, is absolutely on the side of the towns; and in both instances, in the case of the urban and the rural population, you have a less number of persons represented by each Member than has been laid down, as perfect representation, in the pamphlet quoted by the seconder of the hon. Gentleman's Motion. Whether you look to the town or country population, they are absolutely more amply represented in this House than is enforced in the pamphlet that has been alluded to as the proper and perfect exemplar and type of representation. Having examined this subject so far, I must confess I have arrived at a different conclusion from that of my hon. Friend the Member for Montrose. I think that his statistics, and the statistics of his school, are founded upon partial instances, and supported by fantastic combinations, which are calculated to convey to the country erroneous impressions—impressions not at all justified even by his own data. All the data upon which he has relied appear to me illusory; and as the facts to which I have appealed are open to all, and may be found in the books in the library of this House, and in other equally accessible and authentic documents, I shall be surprised indeed to find my hon. Friend maintaining his position, that in the distribution of the representation the town population, as contradistinguished from and compared with that of the country, has not been fairly and justly treated in our present electoral system. It appears to me, Sir, that this is a position that can no longer be supported. Passing, then, to the next proposition, my hon. Friend asks us to sanction the principle, that the duration of Parliament ought not to exceed three years. Sir, I have no inveterate prejudice to shorter Parliaments. I have often said in this House that triennial

Parliaments were always supported by the Tory party. That statement has been received with scoffing by hon. Gentlemen opposite, who do not condescend to pay much regard to any other portion of history than that in which they perform such distinguished parts. But there is no doubt that the change in our manners which has taken place since the period when triennial Parliaments prevailed, and which has increased the business transacted in the House of Commons, is an element that must be taken into consideration when you wish to ascertain the proper duration of Parliaments. But, remembering what has happened here during the last fortnight, and remembering their language during the present Session, I am filled with astonishment to hear Reformers and Liberals come forward in favour of triennial Parliaments. What have they told us this year? One Member of the present Government is very anxious to bring forward a measure which he and others, my Colleagues, consider of the utmost importance for the security and good government of the realm with as little delay as possible. We are, moreover, desirous of bringing in other measures, which we consider to be almost equally urgent, and which we are, therefore, desirous should pass into law without loss of time. But what are we told by these liberal and reforming Gentlemen? "Why, you are bringing forward a measure in the last year of a Parliament! You would legislate in a condemned Parliament! It can't be heard of. You ought to counsel the Sovereign to prorogue and dissolve the Parliament as soon as possible, and to call a new one: to legislate or attempt to legislate in the last year of a Parliament is so much time lost." But if the last year of a Parliament is thus condemned, we should have practically, if my hon. Friend's proposition were adopted, biennial Parliaments; and if the old and favourite scheme of annual Parliaments were again put forward and adopted, we should commence with condemned Parliaments, and the Commons of England could never presume to legislate, because they would cease to exist in the very year they met. The third proposition of my hon. Friend is the recommendation of the vote by ballot. Now, Sir, I have always been of opinion that the manner of taking the vote can never be considered abstractedly; it must always be considered in relation to the nature of the vote you have to take. If you have to take a very large number of votes, or if you have, on the contrary, to take a very small number, the method by which they are taken, though the same, may assume in either instance a very different character. I believe, that with a limited constituency, the ballot may be a very conservative measure; but are hon. Gentlemen prepared to accept the ballot on this condition? Well, I will assume that they are not prepared so to accept it, and that they would not recommend vote by ballot with the present constituency. ["No!"] You are not? [*Cries of* "Yes!" *from an Opposition Member.*] You are, then? I have heard to-night something about an oligarchy; but I never heard of a more cunning device to establish an oligarchy of the most oppressive character than to invest a limited number of persons with the suffrage, and then to guard them in its exercise from inspection, from criticism, and control on the part of the unenfranchised millions about whom we have heard so much to-night, and on so many other occasions. No, I do not believe, from the speeches of my hon. Friend the Member for Montrose, and his Friends on that side of the House—I will not do them the injustice of believing—that they sincerely desire to invest what they style the present limited constituencies of the Kingdom with the irresponsibility conferred by voting by ballot. They have always argued that the extension of the franchise is a preliminary to the adoption of the ballot, and I am sure they do not intend to gainsay that opinion now. But the line must be drawn somewhere, unless that extension of the franchise be universal. Where shall it be drawn? If you say, "I do not want to draw a line anywhere"—if you tell us, as my hon. Friend the Member for Montrose told the House he did last Session—namely, submitted to modify his own views in deference to those of other persons, with the purpose of obtaining their assistance—if you adopt what is called in common parlance universal suffrage—without which, so far as political justice is concerned, I do not see how you can establish the ballot, because, if you have the ballot with a limited constituency, you commit a greater injustice upon the unenfranchised classes; but if you have universal suffrage you come to a new constitution, a constitution commonly called the Sovereignty of the People; you come to that constitution, in short, so much spoken of, so often panegyrised by the reforming and liberal Members of this House—the constitution of America. But the Sovereignty of the People is not the constitution of England; for wisely modified as that monarchy may be, the constitution of England is the Sovereignty of Queen Victoria. But, then, it is said by the hon. Member for Montrose, you must terminate the bribery and corruption which prevail among the constituencies, and all your fine-spun arguments will not do unless you effect this object. Now, I beg the attention of the House, and my hon. Friend in particular, to some extracts from a correspondence which I have this moment received. There is an authority that he will respect, because it is a transatlantic authority, and proceeds from a country where the people enjoy universal suffrage and vote by ballot. It is a Message from the Governor of the State of New York, in North America, to the Legislature of that State; it illustrates the operation of the vote by ballot and universal suffrage: "Gentlemen," the Message says, "an alarming increase of bribery has taken place in the popular elections for this State —" This, be it remembered, is the Address of the Chief of the State of New York to the Legislature of that State, in a country which has been set up by my hon. Friend as a precedent for us—a country where universal suffrage prevails, and that which the hon. Gentleman the Member for Sheffield calls self-government; and here is the manner in which the chief of the self-governed addresses the Legislature of no less a State than New York, when it last assembled: "An alarming increase of bribery has taken place in the popular elections for this State, which demands the serious attention of the Legislature." We find, therefore, that in New York, where the ballot is in full force, that the Head of the State calls on the Legislature to interfere for the suppression of bribery, stating that it demands, moreover, their most serious attention. I will quote some further extracts from the same letter from which I have read this passage. I will not mention the name of the writer, because I am about to quote only facts, not opinions. He was once a Member of this House, and has since filled the most important posts in the service of our Sovereign. Were I to state his name, it would, I am sure, be received by Gentlemen on both sides with universal respect. You now know that bribery is not prevented by the ballot, and you will find that it does not prevent something else. This is the way persons were treated at the last election:—

> "Individuals were not merely beaten from the polls, but they were knocked down, beaten, and stabbed when proceeding about their ordinary occupations in open day in distant parts of the city. The police appeared to have been utterly inefficient, and the 100,000 citizen soldiers, of whom the New York papers boasted so much, were content to remain at home while a few gangs of ruffians commanded all the approaches to the polling-booths, and in one instance—destroyed the ballot-box."

I find no fault with my hon. Friend and others for recommending the adoption of a new mode of voting in this country. This is the land of free discussion, and every one is at liberty to recommend what he thinks best; but what I do say is this, that it is remarkable that in dealing with the instance of the ballot, as in dealing with the instance of the proposed new distribution of electoral power, the facts on one side only are stated by hon. Gentlemen—only a one-sided view is brought before us, and only one class of considerations is urged upon our attention. I resume the narrative from the destruction of the ballot-box.

> "This last outrage upon the freedom of election has very naturally caused extreme irritation, and the *Courier and Enquirer* says, that brutes must be met by brute force; while the *Tribune* is still more plain spoken. He says "that the soundrels who thus trampled upon the highest privilege that a free man can enjoy, should have been shot like dogs by the freemen whom their hireling souls thus villanously insulted."

Now, I beg my hon. Friend to observe that while, by the confession of no less a personage than the Governor of the great State of New York, the ballot does not prevent bribery and corruption at elections, it appears likewise perfectly inefficient for the prevention of scenes of horrible intimidation, such as we cannot even conceive in this country, men being beaten and stabbed at the polling booth. My correspondent, for whom I know my hon. Friend entertains personally the highest consideration, gives some further information respecting the influence of the ballot—and I must confess that what I am about to quote is really humiliating. "We understand that the Whig Committee of the 8th Ward"—I ought in justice to remind the House of what it is no doubt already aware, that the Whig party in America is not identical with the party in this country of which the noble Lord opposite is the distinguished chief and the hereditary ornament:—

> "We understand that the Whig Committee of the 8th Ward and other Wards have offered 100 dollars to every man who can secure 20 democratic votes for the Whig tickets on election day. This money has been partially raised by the most shameful extortions from the office-holders of the Whig party. It is said that every policeman in the Whig districts has been taxed 15 dollars towards defraying the expenses of the election. By this means the Whigs seek to crush every independent feeling in the voter, and to make him the mere tool of party. With the money procured in this manner, political hacks are sent to buy up the votes of the poorer and yet more dependent classes in those wards."

This system of bribery is of course intolerable to all rightminded men, and I only mention it now that my hon. Friend the Member for Montrose may exercise his great and deserved influence on the other side the Atlantic, to repress the infamous conduct of those who would bribe democratic votes to the Whig ticket. All this iniquity is practised under the operation of that very system which my hon. Friend says is the only means of preventing bribery, and which the hon. Member for Bristol (Mr. F. H. Berkeley) would persuade us to adopt as an infallible mode of suppressing intimidation. I must quote one paragraph more, because it proceeds from legislative authority. My hon. Friend the Member for Montrose and the hon. and learned Member for Sheffield have told the House that the ballot is the only mode for preventing bribery. In the experience of New York, at least, the ballot has been proved inefficient for the purpose of preventing bribery at elections; and the following preamble and resolution have just been presented to the Assembly:—

> "Whereas the use of money at elections, for the purpose of influencing and corrupting electors, is an increasing and dangerous evil, and the bestowment or offer, promise or reception of money, or compensation in any form, should be made good and sufficient grounds for the challenge and rejection of a vote; but, whereas doubts exist as to the constitutionality of a law disfranchising an elector, therefore, resolved, 'That the Committee on the Judiciary Acts be and are hereby requested to examine and report whether, in their opinion, a law conformable to the foregoing preamble would be a violation of any provision of the constitution at law of this State.'"

MR. HUME: What law? What proposition?

The CHANCELLOR OF THE EXCHEQUER: A proposition made to the Legislature of New York to take the increase of bribery in the elections for that State into consideration, in order to repress it by law. I mention this to prove that the corruption at elections in the United States—at least in the State of New York, where the vote by ballot prevails—is regarded as an intolerable grievance. On the eve of a general election, when we are called upon to pass a law to repress bribery, which has too long prevailed, do not let the country at large run away with the idea that this corruption is a consequence of the old method of giving our votes. I believe it is a growing conviction among Englishmen that corruption is the consequence, not of one form of voting or of another, but of men being properly or improperly brought up. You may pass laws ostensibly to prevent corruption in countries where voting is secret, as well as in countries where voting is open; but corruption cannot be stopped by Acts of Parliament; it can only be stopped by elevating the tone of the community, and making men ashamed of the thing itself. You must seek for an antidote to corruption in that direction, and not in newfangled systems of election. I say, further, that the tone of the community in which we live has become more elevated in this respect. Every successive quarter of a century shows an improvement. No man who knows anything of the tone of public life a hundred years ago, can hesitate to admit that corruption then ascended much higher in society than it does at present. You have driven corruption from the higher classes. In proportion as education and opinion extended among the gentry, men became purer; and when the same influences come into equal operation among the humbler classes, it will be recognised that it is for the interest of all classes that bribery should disappear. There is one point more to which I will, with the permission of the House, briefly allude. I have noticed what I conceive to be my hon. Friend's total failure to prove his proposition, that the distribution of representatives is not consistent with the different classes of population. I think I have shown that nothing can be more erroneous than the opinion so prevalent in a portion of this House and the country, that the landed interest possesses an undue preponderance in this House. I think I have also shown, by reference to figures bearing official sanction, and which are open to everybody, that it is almost impossible to distribute the electoral power more justly than is done at present between the two great classes which represent the town and country. I also venture to think that I have offered my hon. Friend some reasons for doubting whether as much corruption and intimidation may not prevail under a system of secret voting as we have ever experienced under the system which exists in this country. I have further given some reasons for supposing that my hon. Friend and those about him may hesitate, with their present constitutional doctrines, to recommend short Parliaments. There is yet one of his propositions which I ought to notice, and that is the general proposition that the franchise ought to be very much extended; and on this I have one observation to make. Viewing this question, and viewing it I trust with perfect impartiality, I have been much struck by the great exaggeration which pervades the statements made by the hon. Gentleman and his friends. I remember towards the close of the last Session to have heard a distinguished Member of this House—one who, on subjects of this kind especially, is in the habit of addressing it with great ability, and with sufficient confidence in his cause and himself—I mean the hon. Member for Manchester (Mr. Bright)—I remember having heard him ask this question—"Is the system to be endured in which only one in seven of the adult population of this country enjoys the franchise?" I remember also the tumultuous cheering which immediately followed that indignant exclamation. ["Hear!"] Ay; I say so. You cheered the sentiment then, and you cheer it now. Is it true that only one adult male in seven of the population of this country enjoys the franchise? Here are the figures, let us examine them. This paper is prepared from the Census of 1841, because the analysis of classes under the new Census is not yet published. I have compared the population of 1841 with the electoral return of 1842-3, and there is no reason to believe that there is any material difference between the proportions of the existing constituency and the adult male population of the last Census, the gross amount of which we know. The return is confined to Great Britain. The electors for Great Britain, in 1842–3, were 941,782, and the number of the adult male population was, in 1841, 4,961,045, which gives, instead of one voter in seven, one voter in five, omitting fractions. But from the 4,961,045 adult males some deductions must be made, which the hon. Member himself would make. For the Army and Navy abroad and in Ireland, and for the navy and merchant seamen afloat—for I have never heard that the hon. Gentleman proposed to give them a vote—I deduct 169,650, which leaves the adult male population at 4,791,395. Then I deduct 35,000 for the army at home, 111,699 for the navy and merchant seamen ashore, 74,149 for almspeople, pensioners, paupers, lunatics and prisoners, and 164,384 for domestic servants, who are always excepted from any scheme of reform I ever heard in this House. Then I must deduct the residue of the population who have no homes at all, to the number of 276,526; and that will reduce the adult population on whose behalf any claim to the franchise can be urged, to little more than 4,129,566. Thus, instead of one in seven, it is, by the figures on our table in official returns, actually one in four. But I must go further. These bold statements of—I will not call them demagogues, after the complaint to-night of the hon. Member for Montrose—but the bold statements of hon. Gentlemen having dwindled down to this, that I have got an adult population of 4,129,566, which, as regards the electoral body, gives one in four—I ask what am I to do with the agricultural and urban labourers? I have not yet heard that the hon. Gentleman and his friends, while they complain that only one in seven have the exercise of the franchise, have any wish, under any system, to give a vote to the 1,435,412 peasantry and artisans spread over this country. I never heard one bold assertion of that kind. Well, then, if I deduct these labourers from 4,129,566, I have remaining only an adult male population of 2,694,154, which, as regards the electoral body, is one in two and a fraction of 86, or nearly one in three. But what a difference from the statements we have always heard on this subject! What a difference from the statements made at Manchester and at Leeds! From those of reform associations at Liverpool or anywhere else! What a difference from the statements made in pamphlets! What a difference from the statements of those erratic orators who, during the recess, have astonished the world! Why, instead of one in seven, it is absolutely little more than half what you say, even including 1,500,000 of labourers, whom not one of you have unequivocally proposed to enfranchise. It appears to me, then, that the propositions before the

House are crude, that they do not bring with them proof of investigation, are not in accordance with facts, and do not indicate that degree of research which the House has a right to expect in all matters of this kind, and more especially from Gentlemen who have devoted a long life to such subjects. It appears to me that they are based on statistical errors more flagrant than their political blunders, and that we cannot, whatever may be our opinion of the policy recommended, approve of it, founded as it is on such erroneous and imperfect data. I am not one of those who think, that because I disapprove of a proposition brought forward in this immature manner, I am bound to oppose every proposition brought forward to remedy grievances connected with the representation of the people. There has been very free criticism on the other side by the new supporters of the noble Lord the Member for London, of the measure which he proposed when he was First Minister of the Crown. I think a sense of decency, if nothing else, should have led those Gentlemen to abstain from that unfriendly course. Why they should for three or four hours have so severely criticised the withdrawn—I will not say the abandoned—proposition of the late Minister, I do not pretend to understand. Sitting on the same side of the House, meeting under the same roof, combining and counselling together for the same object, I should have thought that all these considerations would have prevented the slightest allusion to the subject, and that they would have brought forward their own proposition without obtruding their reflections on the measure of the noble Lord, with regard to which we, on this side, have always shown the most respectful silence. I should have thought that Gentlemen opposite would have considered the privilege they enjoy in being led by a high constitutional statesman on the one hand, and the privilege they have on the other of bringing forward revolutionary recommendations and plans, and that they would not have deemed it their duty to enter during the whole evening, into a criticism of the late Government measure. We have had some allusions made to a declaration on the subject of Parliamentary reform, said to have emanated from a noble Earl, the present head of the Government; but I protest against conclusions drawn from mere anonymous paragraphs in newspapers. I say at once for myself and my Colleagues that we do not consider an extension of the franchise to be synonymous with the extension of democratic power. That much-abused Reform Bill, which no one has so much loaded with praise, to which no one once testified so much devotion, as the hon. Member for Montrose—where would that Bill have been, I ask, but for the spirit and energy of a Stanley? When I am told that we are opposed to all reform, I cannot but remember that the noble Lord who preceded me in the Parliamentary seat I now hold (the Marquess of Chandos) —that it was that individual who proposed a measure which added one-ninth to the constituency of Great Britain. I therefore entirely repudiate this convenient assertion of the hon. Gentleman and his friends, that we are a party opposed to all reform unless we listen to the propositions of the kind now before us. I will tell the hon. Gentleman what we are opposed to—we are adverse to all crude and unnecessary proposals founded on such erroneous calculations as the present. I tell him that if any project on this or any other subject is brought forward, I hope it will be founded on more accurate data than the one before us. What we are opposed to is tampering with the depositary of political power—to constant shifting and changing of the depositary of political power as the most injurious thing to a country that can be conceived. You may talk of tampering with the currency, and there are few things worse; but that which is worse is, tampering with the constituency of England. If there is to be a change, let it be a change called for by clear necessity, and one which is calculated to give general—I will not say final—but general and permanent satisfaction. I ask, is the proposition of the hon. Member for Montrose—the whole foundation of which I have shown to be utterly fallacious—is that a proposition calculated to give general and permanent satisfaction? The proposition of the noble Lord the head of the late Government, was that one calculated to give general and permanent satisfaction? The noble Lord is too candid a man not to confess that, whatever be its merits, it was not calculated to give that general and permanent satisfaction. The sense of the country and the House alike called upon him to withdraw it; and I am sure that there is not one who will say that if that proposition had been brought fairly under discussion, it would have received the concurrence of the House. We cannot sanction the proposition of the hon. Gentleman or his friends. And may we not flatter ourselves that after the debate of this night, he will reconsider these things—that he will investigate them—that he will calmly consider the important information from the other side of the Atlantic which I have given him—and that next year, with a health, spirit, and energy which I hope he will long enjoy, we may find him coming forward more temperate in his views, and more careful in his statements? Till we have propositions of a different character brought forward, I shall stand by the settlement made in 1831; not because it was a settlement made for our party interests—for, on the contrary, it was levelled against those supposed interests; but the good sense of the country has exercised a remedial influence over the devices of rival factions, and under that settlement of 1831 the country has on the whole, in my opinion, been well governed. At any rate, it is not what is styled the Liberal party which should dispute that position. There is not a great question, which during the last twenty years has enlisted a preponderating amount of popular sympathy out of doors, which this House has not adopted and carried; and though I may think that in more than one instance great subjects have thus been dealt with in an unwise and precipitate spirit, that should be no cause of censure with hon. Gentlemen opposite. Until, therefore, they can succeed in showing that this country has of late years been generally misgoverned—and that would be a condemnation of their whole course—and until they are prepared to substitute for the existing House of Commons a far more clear and coherent scheme than any they have yet offered, I must uphold an arrangement, which, though conceived in no friendly spirit to the Tory party, is one which has not proved hostile to the national institutions—institutions which, I believe, to be necessary not only to the greatness of the country, but to the freedom of the people.

Mr. F. H. BERKELEY wished to reply to the question put by the right hon. Gentleman (the Chancellor of the Exchequer)—would they give to the constituencies as they are at present the advantage of the ballot? He undoubtedly said he would, and he would confine his reasons simply to this: because he believed they could not make the small constituencies worse than they were, and the ballot would be perfectly efficacious against intimidation as regarded the large constituencies. As he had a Motion on the subject of the ballot, which was to come on on Monday, he was sure the House would permit him to reserve himself for that occasion—more particularly as he objected to argue the ballot mixed up with any question whatever. He considered the ballot as the abstract right of the voter. He considered that the question of reform proposed by the hon. Member for Montrose might stand together; but if the propositions were taken separately, they could not hold together; for instance, he was satisfied that triennial Parliaments without the ballot would be mischievous, and against the interests of the country. As a whole he supported his hon. Friend's proposition; but with regard to the question of the ballot, he should express his opinions upon another opportunity. One word in conclusion. The right hon. Gentleman (the Chancellor of the Exchequer) mentioned a disturbance in New York, and quoted very triumphantly the ballot box being broken open. He begged him to carry away another instance, taken from America. In the southern or aristocratic States of the Union, they were trying to get rid of the ballot, because the friends of the abolition of slavery took protection under the ballot, and the enemies of abolition had no means of detecting their votes.

Mr. BERNAL OSBORNE congratulated the House, and, through them, the country, on this, that whatever evasions or mystifications might have gone forth during the last week, upon one point the Chancellor of the Exchequer had been sufficiently explicit. Treading in the footsteps of the most illustrious Warrior of the age, the right hon. Gentleman, after much circumlocution, had formally declared the intention of the Government to abide by the Reform Act of 1831. He had announced that Her Majesty's Government did not intend to move on with the spirit of the age; that they looked upon the Reform Bill as a final measure—that the old "finality" dodge was to be renewed—and that come what might the Government would give no reform in Parliament. The right hon. Gentleman said he would certainly give the country no reform in this Parliament nor in the Parliament to come.

[*Cries of* "No, no!"] He knew it was the intention of those ardent Reformers who cried "No" to give the country a further measure of reform; but unfortunately they were not in the Cabinet. Let there be no mistake on this point, that the present Cabinet was satisfied with the settlement of 1831, and that they would be no party to give reform a further trial. The right hon. Gentleman had commenced his speech by attacking the speech of the hon. Member for the University of Oxford—["No, no!" *and a laugh*]—he begged the hon. Gentleman's pardon—he (Sir W. P. Wood) had not descended to that yet—he was the Member of a popular constituency—the Member for the city of Oxford, and the right hon. Gentleman said it was a speech intended to be made upon the Resolution to be moved by the noble Lord (Lord John Russell); but he (Mr. B. Osborne) would leave it to the House, if the speech of the Chancellor of the Exchequer was not also directed to that very Motion. He would not weary the House by wading through the dreary mass of confused statistics which the right hon. Gentleman had thought it his duty as Chancellor of the Exchequer to bring before them, in order to show that the agricultural constituencies were not fairly represented, while boroughs and towns had a greater proportion of representatives; but he told the right hon. Gentleman, that, on his own showing, he was bound to bring in a Reform Bill to remove the injustice done to what he called the territorial interest. But he had no such design; he had omitted, too, all mention of Ireland; and he (Mr. B. Osborne) feared that he was going to legislate for that country on very different principles. Without being enamoured of the Motion of the hon. Member for Montrose, to map this country into districts, he was so far dissatisfied with the Bill of 1831, which Her Majesty's Government had pronounced to be final, that he would vote for it—particularly for the latter part of the proposition, "that the proportion of representatives be made more consistent with the amount of population and property." The right hon. Gentleman said he would make a colourable case against the ballot, and had referred to the riots in New York. He did not object to the right hon. Gentleman taking the case of America, but he wished he would not select the American tariff, but take what was good in the constitution of that country. Was the Chancellor of the Exchequer content with the way elections were carried on in this country? Did he remember the case of Harwich, the borough for which the Solicitor General (Sir F. Kelly) was a candidate, when the proceedings were vitiated because the electors carried away the hustings as their perquisites; and was it not notorious that riots happened in all parts of England during an election? Why, when the right hon. Gentleman talked of bribery at New York, and congratulated the House upon the great improvement which had taken place in this country within the last hundred years, he should have remembered the state of things disclosed in the report of the Select Committee on Bribery appointed on the Motion of the hon. Member for Sheffield so late as the year 1842. That Committee had reported in strong terms as to the existence of bribery and corruption in the country, and recommended that the mischievous and dangerous tendency, as they termed it, of the present system should be dealt with by legislative enactment as speedily as possible. Yet nothing had been done from that time to the present, as the system as it existed at present was absolutely shocking. But he could tell the right hon. Gentleman that the people were determined to have the ballot. Both sides were equally in blame in this respect; and he confessed that he believed, if this system of bribery were to be traced back to its source, it would be found to begin with the Whig party in the time of Walpole, who were obliged to resort to it as the only means of opposing the influences bearing against them. The fact was, neither party was sincere in the desire of putting down bribery; for if they had been sincere they would have adopted vote by ballot to protect the people not only from bribery and corruption but from intimidation, which was more rife than those; for he believed that for one who was bribed. there were twenty who were intimidated. The hon. and learned Member for the University of Dublin (Mr. Napier) made the old stereotyped objection to this Motion, that it would endanger the Monarchy. What had endangered the monarchy in France? Was it not that a nation of 30,000,000 had only 230,00 electors? And here he must express his surprise to hear the Chancellor of the Exchequer define the sovereignty of the country to be in Queen Victoria; and had the right hon.

Gentleman been sitting on that (the Opposition) side of the House, he would no doubt have defined the sovereignty as consisting in Queen, Lords, and Commons. The right hon. Gentleman had objected to the secrecy of the ballot. He ought to have been the last man in the House to have done so, considering he was a Member of a Government which was shrouded in secrecy. The Maynooth cry was to be used as a claptrap to go to the hustings, and Her Majesty's Government would not speak their minds upon it; but he could tell them it would become a very serious question for them. The hon. Member for Dublin University knew nothing of the efficacy of the ballot—he had no poor men to deal with who might be swayed by some attorney, or by some one who could put the screw on him; but the representatives of popular constituencies knew what those influences were. Why, had they not seen it stated in all the papers that at a late election the agents wrote to say that if the tenants did not vote for Mr. Frewen, the Protectionist candidate, they would take it for granted that the tenants were satisfied with the prospects of the agricultural interest, and that they therefore did not want their rents lowered? He could have wished the Motion had been put in a better form; but he would vote for it now, as he had voted for similar Motions before, in order to show his dissatisfaction with the present system, and that he did not consider the Reform Act of 1831 to be a final measure. If the noble Earl and his party, who said they took office as barriers to democracy, instead of talking of themselves as barriers—which were sometimes swept away by the waves of democracy—would join hon. Gentlemen on his side of the House in making a channel for the democratic wave, very sure was he that, so far from weakening Queen, Lords, and Commons, the noble Earl, if he properly treated and properly trusted the people, would be strengthening both this and the other House of Parliament.

LORD JOHN RUSSELL: Sir, I have so often addressed you on the subject of the Motion now before the House, that I shall not think it necessary, neither would it be agreeable to the House, to go at any length into the several propositions which my hon. Friend has introduced. It appears to me, Sir, the simple question is, whether the adoption of a Bill founded on the principles contained in my hon. Friend's propositions would conduce to the good government of the country; and on that proposition I have come most clearly to the opinion that it would not conduce to the good government of the country. I believe that if you had a different distribution of the representation, such as into electoral districts—which, however, has not been chalked out by my hon. Friend—but such a distribution as would disfranchise a very considerable number of boroughs, and leave the counties and large towns with representatives—that if you give the franchise not only to every householder, but to every lodger who might by fraud or collusion be placed on the rate-book without paying rates, and made him an elector—that if to this plan you added the vote by ballot, and that you had the representatives thus elected assembled for three years—which would, however, be in most cases not for more than two years—my opinion is, that you would not obtain a House of Commons which would, either with regard to the Executive, to the other parts of the Constitution, or to calm and deliberate legislation, be as efficient a body as that which has assembled according to the present system. Therefore, Sir, if I were to choose between the proposition of my hon. Friend and the existing state of the law, I certainly would prefer the latter. It appears to me that is a sufficient reason for voting against the proposition of my hon. Friend. But I confess I think there are some parts of this proposition which contain not only the elements of a worse House of Commons than we at present possess, but the elements of future danger to the constitution of the country. I cannot but see that if beside householders you add lodgers, unless the provisions of the Bill are exceedingly stringent, and if you merely provide that they shall be rated and resident for a certain period, you would approach very nearly to that state of the franchise which, though the hon. Member for Sheffield (Mr. Roebuck) does not consider it so, is, in fact, universal suffrage. Then I say, Sir, you would not have a body of electors possessing that independence, intelligence, and integrity, which it ought to be your aim to secure in the electoral body. With respect to the vote by ballot, in reference to which my hon. Friend who has just sat down (Mr. B. Osborne) said the people of this country have made up their minds that they will have it, I cannot deny the present popularity of that proposition. I repeat that I cannot deny the popularity of that measure; but I do think that many of those who have adopted that proposition as one which ought to be carried into operation by Act of Parliament as the representation at present stands, have not considered all the consequences of the adoption of such a plan. My hon. Friend the Member for Montrose (Mr. Hume) says, as I believe very truly, that intimidation is not only exercised from above on those below, but that it is exercised from below on those above. Many of the working classes of this country exercise some species of intimidation against the 10*l.* electors. It is very wrong that they should exercise that intimidation; but, at the same time, you must consider what would be the consequence if the working classes found that their opinions had no effect on the voters, and that elections took place with the result of which they were totally dissatisfied, while they were not aware who the parties were who gave the votes on the different sides. I must say that I believe that their dissatisfaction would be much greater than it now is; and they would either ask that open voting should be resorted to again, or, what is more probable, they would demand that the suffrage should be extended to every person, and that every person, together with the ballot, should have the right of voting. Now, I must say, that if you come to a suffrage so general as that, and with it were joined a Parliament for three years, though I can understand that such a Parliament so chosen might exist under another constitution, yet I must confess—to whatever blame such an opinion may expose me—I do not think that a Parliament thus elected—by universal suffrage, with vote by ballot, and for a short period—would long consist with other parts of our constitution, namely, the monarchy and the hereditary branch of the Legislature. With respect to the question of the limitation of Parliament to three years, the right hon. Gentleman says that that used to be the favourite project of the Tory party in former years. But the Parliament of Great Britain solemnly repealed the Triennial Act on the ground of the inconveniences felt to arise from it, on the ground of the increased expense, and because greater heats and animosities had been known in England under it than had ever been known under any other system of law; and they placed a record to this effect for the benefit of posterity in the preamble of the repealing Act. And I can readily believe it. I can readily believe that if instead of going to an election at the end of every five or six years, we were to say that every two years we would have an election, and that every two years all the great interests of the country should be driven to the hustings, that party heats and animosities would be such that the people of this country would not bear a state of things of that kind. Therefore with respect to the proposition before the House, I have no other choice but to vote, as I have on several occasions already voted, against the Motion now made. But the right hon. Gentleman the Chancellor of the Exchequer who, I must say, has gone through those various propositions with very great ability, has thought proper to refer to a Bill which I introduced, being then a Minister of the Crown, and has likewise declared the policy of the present Government with respect to reform. Now, Sir, on these subjects I wish to say a word or two. I did not withdraw that Bill because I was convinced that it did not give satisfaction; for if I had remained a Minister, I should have thought it right to have proposed the second reading of the Bill, and to have asked the House to go into Committee and discuss each separate provision. I should have done so in the conviction that there are, without touching on the particular provisions of that Bill at the present moment, two questions with respect to the representation of the people which do require the consideration of the House. One is, that it appears to me that by the right of voting fixed by the Reform Act—and so fixed, I think, with very great caution, in order that in adjusting the franchise we might not at first fix a rate lower than would be safe—the franchise, in my opinion, is too exclusively confined to the middle classes of this country. My own opinion agrees entirely, as a general opinion, with the statement made by the hon. Member for Sheffield (Mr. Roebuck), that there are numerous artisans in this country—men, earning by their labour and skill competent wages, who have intelligence and integrity fully entitling them to possess the elective franchise; and my belief is, that if you go on for several years more, leaving the franchise as it is at present, there cannot fail to grow up a feeling of dissatisfaction among these working classes; whereas they would be conciliated towards the maintenance of the Constitution, and would be made more attached to the institutions of their country, if they were admitted to the enjoyment of the franchise in a greater degree than at present. I believe that they are fully qualified to have the franchise; I believe that they are at present attached to the constitution of the country; but I believe that it is the business of Parliament, and the business of statesmen pretending to rule in this country, to foresee in some degree what may be the state of this country some years hence in process of time, and also what may be the state of the country in a very short time, supposing circumstances to be adverse, and supposing distress, or any reverse in trade, should induce men to consider what is their position as regards the Constitution. There is another matter in reference to the smaller boroughs to which I think the attention of Parliament should be given. It is not the existence of those smaller boroughs to which I allude, because I think their existence as a part of the representation can be fully and adequately defended. I think you would not have a sufficient representation of all the classes of the country without having some of those boroughs with a smaller number of electors. But I think there are several of those boroughs which have so small a number of electors that they cannot be permanently maintained as they are. I stated, in bringing in the Reform Bill, that the object of the Government was, that no borough should be left with less than 300 voters. I think that number a low and restricted number; and yet I believe that no less than fourteen of the present boroughs have a smaller number of electors. That is a circumstance which must, before long, engage the attention of Government. I will not enter into the modes by which we endeavoured to remedy the inconvenience; but I must say a word with respect to the policy of the present Government, as stated by the right hon. Gentleman the Chancellor of the Exchequer. I own I cannot say that that policy is founded in wisdom, or that it is a policy that can be maintained. The right hon. Gentleman says, "I will not make any change in the Act of 1832 without a clear necessity." Now, we all know what "a clear necessity" is. We all know that "a clear necessity" does not mean the general opinion of sober and dispassionate men; it does not mean the examination of your existing legislation, and a determination to amend defects; but "a clear necessity" means that degree of discontent and disaffection which would render it unsafe to govern without making a change. We all recollect what has been the case with respect to the party opposite in regard to great measures. We all know that the just requests of the Roman Catholics of Ireland were denied until "a clear necessity" arose in the shape of impending civil war. We all know that Parliamentary reform was constantly denied until the agitation of the people arose to such a height that reform could no longer be resisted. We all know with respect to other measures of an economical nature, it was not until associations were formed and spread throughout the country that the Legislature agreed to change the laws on the subject. I own I think that the House of Commons would take a position the reverse of dignified, and hardly safe, if it were to be declared by a Minister of the Crown, and echoed by a majority in that House, that until a clear case of general discontent arose— [*Cries of* "No, No!] Well, if I am misinterpreting the right hon. Gentleman, I should like to know what those words "clear necessity" mean? I can understand that there could be a clear question of policy—of wisdom—of foresight; but a question of necessity seems to me a question in respect to which you have no option, and that you must either yield to demands made, or no longer continue to govern in safety. That I understand to be "clear necessity;" and then, indeed, we are to have measures to give general and permanent satisfaction—yes, that sort of satisfaction which arises from agitation, and from a belief that agitation, nothing but agitation, would move the House of Commons. But is agitation alone to be the power that is to give an impetus to the House of Commons? The right hon. Gentleman the Chancellor of the Exchequer says, further, that although the Reform Bill was passed against what he conceives to have been the interests of his party, yet he is ready to admit that since its enactment the country has been well governed. It is to me a triumphant satisfaction to hear it admitted that under an Act which I introduced some twenty years ago the country has been well governed; that it was a measure of liberal policy, and that it has had a tendency to further the good government of England. I never expected an admission that a measure under which the country has been well governed, is against the interests of a party who now govern the country. For the reasons I have stated, I must vote against the proposition contained in the present Motion; but I do trust that Her Majesty's Government will renounce the course they have indicated to-night, and will consider well the step they take. I trust they will not wait till a necessity arises, but that they will take an early opportunity of maturely considering the present state of the representation, with a view to an extension of the franchise; and that, above all, they will deem it incumbent on them to extend that franchise to a greater number of the working classes than are now in the enjoyment of it, so that by timely reforms they may make those institutions of the country permanent, to which I believe the people are at present steadily and firmly attached.

Mr. WALPOLE: Sir, it is entirely unnecessary for me to enter at any length into the subject of the debate which has arisen on the Motion of the hon. Gentleman opposite. I think so for two reasons: first of all, because every thing that can be said upon the specific proposition which he has brought forward, has been, to my mind, completely answered by the observations of my right hon. Friend the Chancellor of the Exchequer; and, secondly, because the observations made by my right hon. Friend have been amply supported by the able remarks and arguments of the noble Lord in the first part of his speech. My only object in rising now is to correct an expression made use of by the noble Lord, that it may not go forth to the country that my right hon. Friend adverted to the case of "clear necessity," in which Reform might reasonably be conceded, as synonymous with the case of "clear discontent." The observations of the noble Lord, illustrated as they were by allusions to the Reform Act, and the Roman Catholic Relief Bill, could not be mistaken. When my right hon. Friend made use of the expression "clear necessity," as justifying an additional extension of the franchise, or further improvement in the constitution of this House, he coupled it with the observation that any alteration which might be made should give permanent and general satisfaction to the country. What I understood my right hon. Friend to say was this: "You passed a Reform Bill in 1832, which you intended to be a permanent and final adjustment of a very great question, and it is not desirable to disturb that question, because the advantages to be gained by that disturbance are not sufficient to compensate for the inconveniences which must necessarily be occasioned by the renewed agitation of a question like this." But my right hon. Friend did not intend to say, as it has been assumed by the hon. Member for Sheffield, that all those persons who by their industry have possessed themselves of considerable sums of money in the savings banks—or that all those persons whose education entitled them to consideration—or that all those persons who came under the denomination of skilled artisans, might not, as the time advances with the progress of opinion, have the franchise fairly and properly conferred upon them. But the meaning of my right hon. Friend was simply this, that before you make any great constitutional change in the State, after that which you made in 1832, there are two things incumbent upon you. The first is, to see that some change is practically necessary; and then, that the change which you do propose should be practically expedient and practically satisfactory to the great body of the people. Now, without entering into the first of these considerations, because I conceive that a practical necessity for any such change has not been proved, I will content myself for the present with observing that the specific proposition introduced by the hon. Member for Middlesex has been shown in the course of the debate to be one of those changes which would not be satisfactory to the country at large; and since the real object of the hon. Member appears to have been completely answered, by giving hon. Members an opportunity of delivering those speeches on the subject of Parliamentary reform which were intended for the country when the noble Lord the Member for the City of London proposed the second reading of his own Bill; and since there is now no specific plan before the House, which can be considered as practically beneficial, he (Mr. Walpole) did not then feel it incumbent on him to give any opinion upon the general subject of Parliamentary Reform. Whenever any specific change in the present system should be proposed, he should then be prepared to take it into consideration; but then he must add, that if any change should be deemed necessary, it would be his duty to see that it was one that would prove, in the end, both practically expedient and practically satisfactory to the great body of the community.

Mr. W. WILLIAMS moved that the debate be adjourned.

Mr. HOBHOUSE seconded the Motion.

Mr. HUME said, he should be very sorry to be the means of unnecessarily taking up the time of the House by having the debate adjourned.

Mr. W. WILLIAMS regretted that he should feel it his duty to oppose the wishes of his hon. Friend; but, representing as he (Mr. W. Williams) did one of the largest constituencies in the country, he was anxious to have an opportunity of expressing his opinion upon a question which he considered to be one of the greatest importance. Whenever any proposition was made to adjourn a debate from mere party purposes, he felt no disposition to aid such a course; but this was a question in which the people of England took a great interest. [*Cries of* "Go on!"] No; at that late hour he could not expect to receive the attention of the House, and there were several other Members anxious to express their opinions: he therefore thought, in common fairness, the debate ought to be adjourned. [*Cries of* "Go on!"]

Motion made, and Question proposed, "That the Debate be now adjourned."

The CHANCELLOR of the EXCHEQUER thought the course taken by the hon. Gentleman was hardly fair towards the hon. Member for Middlesex. Whatever difference of opinion might exist between him (the Chancellor of the Exchequer) and the hon. Gentleman, he had always entertained towards him the greatest respect. That hon. Gentleman had brought forward the present question several times, and he had done so on this occasion, no doubt, without the slightest idea of a pending election. He would have brought it forward under any other circumstances, for the purpose of eliciting a *bonâ fide* discussion. The question had, accordingly, been fairly discussed by almost every Member who was in the habit of speaking on the subject. But now the hon. Member for Lambeth got up, under the idea that the Motion was brought forward for the purpose of giving hon. Members an opportunity of making electioneering speeches. Nothing, he (the Chancellor of the Exchequer) was sure, was more contrary to the intention of the hon. Member for Middlesex, and he considered that the debate might now be fairly brought to a close to-night. He hoped, therefore, the hon. Gentleman (Mr. W. Williams) would continue his speech, which would no doubt be listened to with the utmost attention.

Mr. BRIGHT did not often agree with the right hon. Gentleman who had last spoken, but on this occasion he was disposed to do so. There was at present no really practical question before the House: he did not know how long it might be before there would be. He certainly was of opinion that many hon. Members were wrong in their opinions upon the subject of Parliamentary Reform. However, he hoped his hon. Friend (Mr. W. Williams) would on the present occasion allow the House to go to a division. It was necessary that they should go on with the business of the Session. He had himself declined taking any part in the present discussion, although he felt a deep interest in it, because he considered it desirable that they should not protract the business of the House.

Mr. F. PIGOTT said, he should have had no hesitation in voting for the introduction of the Bill of the hon. Member for Montrose, but he wished to guard himself against being considered as pledged to the details of the measure. He thought, however, that the hon. Gentleman had not selected the most opportune time for bringing it forward. The House was in a different position from that in which it was placed at the commencement of the Session, when the noble Lord the Member for London proposed his measure of Parliamentary Reform; but he hoped that if the noble Lord should again be in a situation to propose such a measure, those who now sat on the Opposition side of the House would support him without being divided among themselves. With respect to the present Motion, he thought that after the discussion that had taken place, it was of little consequence whether there was a division or not. He should support the Motion for the adjournment.

Mr. HORSMAN said, the reason for an adjournment was less now than on former occasions; as it might be taken that the Motion of his hon. Friend was rather for discussion than to tend to any practical result. He trusted, therefore, that the public business would not be delayed for the sake of Gentlemen making election speeches.

Lord DUDLEY STUART expressed his hope that the hon. Member for Lambeth would not press the adjournment of the debate. He stood in the same situation as the hon. Member as to representing a very large constituency. He had endeavoured five or six times to address the House; but as he had not been fortunate enough to catch the Speaker's eye, he was quite willing, as it was the wish of his hon. Friend the Member for Montrose, and of the House, that the debate should be closed that evening, however desirous he was of addressing the House, to forego doing so, feeling assured that his constituents had every confidence in him, and knew that he would support the measure of his hon. Friend.

Mr. W. WILLIAMS then said, he would not persevere with his Motion, especially after the reasons given by the Chancellor of the Exchequer.

Motion, by leave, *withdrawn.*

Mr. HUME replied. The House would feel that he had been placed in no very favourable position. With his opponents he was prepared to deal; but what could he say to his friends around him? One hon. Member told him that the present was not an opportune moment for bringing it forward; but the hon. Gentleman must have forgotten that he (Mr. Hume) gave notice last Session of this Motion; and if, after the change that had taken place, he had not brought it forward, it would have appeared that he was afraid to face hon. Gentlemen on the Ministerial side of the House. Another hon. Gentleman said the discussion would lead to no practical result; but he (Mr. Hume) was perfectly satisfied, for it was only by discussion that the question could be fairly and properly understood, and therefore every man who wished to see a great question carried, should again and again urge it on the House until it was settled. The speech of the noble Lord (Lord John Russell) was in favour of one part of his proposition—and he considered it of vast importance—that Members of the learned professions and men of intelligence should be entitled to the franchise; and with the Chancellor of the Exchequer he had very little difficulty, for he could show that the speech of the right hon. Gentleman had not been directed to anything he (Mr. Hume) had said, and that as to everything he did say the right hon. Gentleman was entirely wrong. The right hon. Gentleman had talked of a territorial representation; but he (Mr. Hume) had never made use of the term; so that the observations of the right hon. Gentleman were quite superfluous—he had raised a lion merely for the purpose of killing him. In order to set the right hon. Gentleman right in his view, he (Mr. Hume) would mention one of the anomalies that existed under the present system. If they compared county with county, and borough with borough, they would find that the grossest inequality existed in the representation. The three counties of Huntingdon, Rutland, and Westmoreland, as compared with Middlesex, Lancashire, and Yorkshire, presented a flagrant instance of this inequality. Again, he could point to six boroughs, with a population of 29,000, returning six Members, and to another six boroughs returning the same number of Members with a population of 1,304,000. Now, he was for having the distribution more equal, both in the counties and in the boroughs. The statement of the right hon. Gentleman the Chancellor of the Exchequer, with respect to the number of voters, was also incorrect; the real proportion of the voters to the population showed that the voters were as one to five of the male population. With regard to the ballot, the right hon. Gentleman ought to know that New York was in a different position with regard to elections, from any other of the States of the American Union. There was no other place where so much rioting and disturbance took place at elections; and the reason was, that there was no register at New York. He (Mr. Hume) admitted that the ballot would not altogether prevent bribery, but he did not wish to see the ballot introduced into small constituencies, where there was the greatest opportunity for bribery. There was not one statement made by the right hon. Gentleman to which he was not prepared to give a direct negative; and if exceptions were taken to the plan of reform which he had brought forward, let those who objected propose a better. He hoped to live and see that plan carried out, though the right hon. Gentleman had now thrown down the gauntlet, declaring that he was not prepared to effect any reform, and that he was prepared to stand by the results of the contest in 1832. To these results the party of the right hon. Gentleman were then opposed. He did not know whether it was to be taken for granted that the Tory party was resuscitated, for he thought it had expired; but if it were resuscitated, it was against that Tory party that he hoped to carry the reform he had proposed. That plan had been sanctioned by many hon. Members of that House, and he yet hoped to live long enough to see it carried into effect.

Main Question put.

The House *divided:*—Ayes 89; Noes 244: Majority 155.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Armstrong, R. B.
Bass, M. T.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bright, J.
Brotherton, J.
Clay, J.
Clay, Sir W.
Cobden, R.
Cogan, W. H. F.
Collins, W.
Cowan, C.
Crawford, W. S.
Dashwood, Sir G. H.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Ellis, J.
Evans, Sir De L.
Ewart, W.
Fox, R. M.
Fox, W. J.
Geach, C.
Gibson. rt. hon. T. M.
Granger, T. C.
Greene, J.
Hall, Sir B.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Humphery, Ald.
Hutchins, E. J.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. J. P. L.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Marshall, J. G.
Milligan, R.
Moffatt, G.
Molesworth, Sir W.
Muntz, G. F.
Murphy, F. S.
Norreys, Sir D. J.
O'Connell, M. J.
Osborne, R.
Pechell, Sir G. B.
Peto, S. M.
Pigot, F.
Pilkington, J.
Reynolds, J.
Ricardo, J. L.
Roebuck, J. A.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Smith, J. B.
Somers, J. P.
Stanley, hon. W. O.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Trelawny, J. S.
Wakley, T.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Williams, W.
Wyld, J.

TELLERS.

Hume, J.
Walmsley, Sir.

List of the Noes.

Acland, Sir T. D.
Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldwin, C. B.
Bankes, rt. hon. G.
Baring, H. B.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Broadwood, H.
Brooke, Sir A.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Cabbell, B. B.
Campbell, hon. W.
Campbell, Sir A. I.
Carew, W. H. P.
Castlereagh, Visct.
Cayley, E. S.
Chandos, Marq. of
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Child, S.
Christopher, rt. hn. R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Colville, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, Ald.
Currie, H.
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T. V.
Deedes, W.
Denison, J. E.
Disraeli, rt. hon. B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, J.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzwilliam, hon. G. W.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Goold, W.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greene, T.
Grogan, E.
Grosvenor, Earl
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hatchell, rt. hon. J.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Henley, rt. hon. J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Howard, P. H.
Howard, Sir R.
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knight, F. W.
Knox, Col.
Langton, W. H. P. G.
Lascelles, hon. E.
Legh, G. C.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Martin, C. W.
Matheson, Col.
Maunsell, T. P.
Maxwell, hon. J. P.
Melgund, Visct.
Meux, Sir H.
Miles, P. W. S.
Milnes, R. M.
Moncreiff, J.
Morgan, O.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, Col.
Peel, F.

Pigot, Sir R.
Portal, M.
Powlett, Lord W.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Russell, Lord J.
St George, C.
Sandars, G.
Scott, hon. F.
Seymour, Lord
Shelburne, Earl of
Sibthorp, Col.
Smollett, A.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanley, E.
Stevenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Townley, R. G.
Townshend, Capt.
Trevor, hon. G. R.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walter, J.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
Whiteside, J.
Wigram, L. T.
Williams, T. P.
Wodehouse, E.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wynn, Sir W. W.
Wynn, H. W. W.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.
Mackenzie, W. F.
Bateson, T.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, March 26, 1852.

MINUTES.] PUBLIC BILLS.—1ª Indemnity; Court of Chancery (Ireland).

2ª Protection of Inventions Act, 1851 (Extension of Term); Consolidated Fund; Proclamation for Assembling Parliament.

Reported.—Commons Inclosure; Law of Wills Amendment.

LAW OF WILLS AMENDMENT BILL.

Amendments *reported* (according to order).

LORD CRANWORTH adhered to the opinion that a simpler form and more general words might be used, although his learned Friend on the woolsack was of opinion that it was more clear to refer to all the different cases which had been decided contrary to the spirit and intention of the Wills Act.

Further Amendments made: Bill to be read 3ª on Monday.

THE INCUMBERED ESTATES COURT (IRELAND).

The EARL of WICKLOW, seeing the noble Earl the First Lord of the Treasury in his place, begged to ask a question with regard to an Act of Parliament which would expire in the course of the present year—the Incumbered Estates Act. He had seen in the public prints some kind of notification that it was the intention of the Government to renew that Act for one year. If it was to be renewed for one year, he submitted whether there should not be a clear understanding that it would not be allowed to expire at the end of that year. If there was no such understanding, it would be believed that it was intended to allow the Act to expire at the end of the year; and the result would be further depreciation of property, and great injury to those whom the original Act was intended to benefit. If it was understood that the renewal of the Act was only preparatory to the introduction of a more durable measure in the next Session, the evil would be prevented; and with the view of drawing from the noble Earl the intentions of the Government, he begged to ask whether it was the intention of Government to renew the Incumbered Estates Act for one year, by introducing a Bill for that purpose in the present Session; and if so, whether it was their intention in the course of the next Session to introduce a more permanent measure?

The EARL of DERBY said, the object which Her Majesty's Government had in view in the course they proposed to take, with reference to the subject to which the noble Earl had called attention, was precisely that which the noble Earl himself had in view—to prevent the inconvenience which must arise from a sudden and great accumulation of petitions for the sale of property. As the Act stood, the powers of the Commission expired in the present Session, and it was thought, if allowed to expire, the accumulation of petitions in the course of the year would be exceedingly inconvenient. Her Majesty's Government considered it advisable, in the first place, to introduce a Bill for the purpose of continuing the operation of the Incumbered Estates Act, and for receiving petitions for another year; and in the meantime the Lord Chancellor of Ireland was directing his attention to the practicability, if he thought the object practicable, of simplifying the proceedings of the Court of Chancery in Ireland in such a manner, by adopting several of the proceedings now carried on in the Incumbered Estates Court, as to enable the business done through that department to be transferred to the Court of Chancery after the expiration of the period for which extension was now sought, without diminishing the facilities of carrying on the ordinary and legitimate business of that tribunal. If it should be found that he was disappointed in the expectations entertained of being enabled to introduce such improvements and ameliorations into the Court of Chancery in Ireland as were necessary for the purpose, he should not feel himself precluded, in the exercise of his discretion, from proposing to Parliament a further continuance of the present system. But he was sure the noble Earl would agree with him that, if it were practicable to combine the simplicity and cheapness of the present system with a recurrence to the more ordinary course, of appealing to the Court of Chancery, it would be a circumstance of unmitigated advantage.

The MARQUESS of LANSDOWNE entirely agreed with his noble Friend (the Earl of Wicklow), that nothing could be more destructive, or more calculated to prevent its beneficial operation on the relations between the proprietors and the land in Ireland, than an opinion that there would be a sudden termination, even at the expiration of a year, to that enactment, which had tended so much to mitigate the evils of that country. If such an arrangement as the noble Earl opposite had intimated, were practicable—and if it could succeed in the hands of any man, he (the Marquess of Lansdowne) thought it would succeed in the hands of the present Lord Chancellor of Ireland—if it were possible to secure, through the medium of the Court of Chancery and the established course of law in that country, those benefits of cheapness, rapidity, and exactness, which had happily attended the progress of the Commission, no one could object to the Court of Chancery being so beneficially, and, he would add, so permanently employed. He rejoiced to hear that if, unfortunately, from any accident, that change to the medium of the Court of Chancery should be impossible, hereafter there would be a disposition on the part of the Government and on the part of the Parliament to prolong, as it might be necessary, the existence of the former Commission, which was now exercising an important effect on the state of a part of Ireland, and which was far from having accomplished more than a small proportion of the good which it was intended to confer. If any of their Lordships were desirous of making themselves acquainted with the effect of that Commission, with reference to the general principles of law and the sale of property, he would recommend them to read a work recently published by a Mr. Locke, of Dublin, who had made himself completely master of all the proceedings of the Commission, and not only set out the terms on which all estates had been sold, and the amount of capital invested, but the resources both in England and Ireland from whence that capital was drawn. It was a most curious and instructive sketch, and afforded satisfactory reasons for their Lordships determining to secure to Ireland the benefit of that which she had never before experienced—an expeditious, safe, and effective mode for the disposal of property.

The EARL of GLENGALL wondered whether the noble Marquess had read the clever reply which had been given to Mr. Locke's pamphlet. If the noble Marquess had not, he should be most happy to forward that pamphlet to his Lordship. The noble Marquess must know that there was a great diversity of opinion in Ireland upon the operation of this Act.

The EARL of DONOUGHMORE hoped that in any renewed measure for the continuance of the Encumbered Estates Commission, the Act would be made to apply to the sale of all kinds of property; it would confer a great benefit on Ireland by facilitating the transfer of property and lessening the cost.

PROCLAMATION FOR ASSEMBLING PARLIAMENT BILL.

LORD BROUGHAM, in moving the Second Reading of this Bill, said, he thought it was well worthy the consideration of their Lordships, whether the thirty-five days, which by this Bill would be the *minimum* between the proclamation and assembling of a new Parliament, could not be reduced to twenty-eight days. The reason he had no so framed the Bill as to shorten the interval for four weeks, was, that in order to do so it would be necessary to repeal an Act passed in the reign of George III., by which the *minimum* for Irish elections was thirty-three days.

LORD REDESDALE submitted that the present measure was unnecessary, as the existing law would allow of the assembling a new Parliament thirty-five days after proclamation by the Crown.

LORD CRANWORTH urged that the present Bill would put an end to any doubts on the point. He wished to hear from the Lord Chancellor whether he would like to recommend the issuing of writs for less than fifty days. He rather thought to noble Lord's answer would be in the negative.

The LORD CHANCELLOR said, it did not appear to him that the Bill was necessary, upon the construction which he thought applied to the existing law. He would not oppose the second reading; but would take care to look more closely into the point before it went into Committee.

LORD BROUGHAM contended that it was better to provide against any doubt by enactment that a Parliament convened upon writs issued and returnable in thirty-five days should be a legal Parliament. He had great respect for the opinion of the noble and learned Lord on the woolsack; but he feared the point was not clear, and without the Act no Minister would advise the Crown to summon the Parliament one day less than the fifty days. As to further reducing the time from thirty-five days to twenty-eight, there would be abundance of time to consider that in Committee on the Bill.

Bill read 2^a.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 26, 1852.

MINUTES.] NEW MEMBER SWORN.—For Coleraine, Rt. Hon. Lord Naas; for Dungannon, Hon. William Stuart Knox.

PUBLIC BILLS. — 2° Mutiny; Marine Mutiny; Apprehension of Deserters from Foreign Ships. 3° St. Albans Disfranchisement.

BURDENS ON LAND.

On the Motion that Mr. Speaker do leave the Chair, to enable the House to go into Committee of Supply,

MR. SLANEY said, he should take that occasion to call the attention of the House to the burdens upon land, and the mode of alleviating them. He hoped that the House would bear with him for a few moments. He did not frequently trespass on their patience, and he could assure them that he had no intention of now abusing their indulgence. He was anxious to be permitted to state his views with respect to the grievances which appeared to him to press with unreasonable severity on the landed interests of this country, and he hoped to be enabled to submit certain suggestions which would tend most materially to the relief of those interests. The Government proposed to appeal to the country before long, upon a topic of great importance, in respect to which there existed great diversity of opinion—namely, protection. Now, it could not be denied that that question was one of peculiar importance to the landed interests, and that was the reason why he would venture to say a few words upon it. As an humble member of those interests, and as one who was connected with them by habits, education, and association, he could not but feel an anxiety on all questions which concerned their welfare. It was maintained by some that the landed interests had not suffered from the changes which had recently taken place in the commercial policy of this country, but he could not concur in that opinion. Many of those with whom he was connected had suffered very much by those changes, and he, himself, as an humble individual, had found it necessary to reduce his rents 15 per cent in order to meet the times. That being the case, he confessed he felt a sincere anxiety that the particular grievances which now weighed so oppressively on the landed interests should be removed or alleviated. He believed that it was quite possible to give relief to those interests without in any degree interfering with the welfare of the rest of the community. The noble Lord at the head of the Government had proposed to go to the country and inquire what the sentiments of the people were on the subject of a duty on corn. Now, he had been an advocate for the Repeal of the Corn Laws, and still approved of that measure; but he still retained the opinion which he had frequently expressed, that the change was brought about too rapidly, and that it would have been much better for the country if a fixed duty had been imposed merely for a limited period, to enable landholders to look around them to examine the new burdens about to be imposed upon them, and to make their preparations accordingly. However, that had not been done, and things having gone as far as they had, he was bound in candour to say that he did not think it would be politic, safe, or in anywise expedient to reimpose a tax on the food of the people, in order to restore the rents. But without resorting to any such measure, it might be possible to afford great relief to the landed interests. The right hon. Gentleman the Chancellor of the Exchequer had stated repeatedly in that House that the local burdens on land were borne by one-half of the taxpaying community. Surely this was a state of things that ought to be rectified; and he proposed to recast those burdens fairly, so as to relieve the landed classes. The hon. Member for the West

Riding (Mr. Cobden) said to that proposition that it would relieve one class by throwing their burden upon another; but if that burden was unfairly apportioned at present, it ought to be more equally divided. It was the duty of that House to consider whether it might not be possible to adjust the taxation in such a manner as to give fair play to all parties, at the same time that an adequate revenue was secured to the Exchequer. Now, what he was especially desirous of was, that the free-trade principle should be extended as equally as possible, and that it should be applied not only to corn, but to land, and all the products of land. If freedom was given to land, the landed interests would be strengthened and invigorated—the burdens of taxation would be more equally distributed, and all classes of the community would have more of that fair play for which they were not unnaturally so desirous. The cost of the transmission of a given amount of land was enormously greater than that of the transmission of an equivalent amount of private property. This was an abuse and an injustice, and he could not understand upon what principle of fair dealing it could be permitted to continue. Such was the cost and complexity of the law as it regarded the landed interests, that those who were connected with those interests paid, one way or another, on account of their property, above five times as much as those who possessed personal property. Those who were at all conversant with the enormous charges that were made for mortgages, sales, conveyances, and other such matters, would find no difficulty in accepting this statement as true. By the simplification of titles and conveyances, and by the institution of an easier, less expensive, and less circuitous mode of raising money on land, an amount of relief would be afforded to the landed interests the importance of which it would be difficult to estimate too highly. At present, a special Act of Parliament was required for each particular sale instituted by order of trustees; but why not have a general Act to enable all sales by trustees? If a series of general enabling Acts were passed to supersede the necessity of a special enactment in each particular instance, a very great saving would be effected, and landed proprietors would be enabled to do for 30*l.* or 40*l.* what now would cost them 500*l.* Under the present system it was necessary to have a separate Act of Parliament for every kind of local improvement—for gas works, waterworks, and market places. All these kind of constructions enhanced the value of land, but they were impeded in all parts of the country by the enormous expense of obtaining a special Act of Parliament in each particular instance. The Legislature had passed a General Inclosure Act and a General Exchange Act, which enabled a hundred things to be now done for the expense which one would formerly have cost; and why, on the same principle, should not a general Act be now passed, with proper clauses, to enable a landlord to improve his estate in whatever way might appear to himself most desirable. If there was free trade in corn, there should be free trade in capital also. If a few small capitalists were now to combine together for the application of their capital to any common object, and any dispute arose among them, it was only by plunging into the fathomless abyss of Chancery that they could hope to set it right, and Chancery to decide the dispute, dissolved the partnership. This was a great evil, and clearly demonstrated the necessity of a tribunal, cheap, simple, and easily accessible for the arrangement of such difficulties. He threw out these suggestions for the consideration of Government, confident that, if they were adopted, great relief would be afforded to the landed interests, without the infliction of the slightest injury on any other class of the community. Capital is now increasing at the rate of a million and a half a week, seeking investment; much of it would be turned to the purchase, or improvement and culture, of land, if not impeded by legal obstacles, and the laws of partnership and unlimited liability. These things should be altered to give fair play to the landed interest.

SUPPLY—ORDNANCE ESTIMATES.

House in Committee of Supply.

(1.) 15,582 Men, Ordnance Military Corps.

Colonel DUNNE said, it was his duty to move the Ordnance Estimates for the year, and in doing so on the present occasion he would make a few observations. They were so plainly set out in the Votes, that, in fact, they required very little explanation. They had been framed by his predecessor in office, and appeared to have been framed with that attention which was necessary and consistent with a due regard to the service. He was confirmed in this, for he might safely state that no department in the State was in better order than that in which he had the honour to serve. He had it on the authority of the present Master General of the Ordnance to state that nothing could be more efficient or economical than the state in which he found this department; and he felt deeply indebted to the late Master General for its high state of efficiency. He (Col. Dunne) hoped for the indulgence of the Committee if he should not be sufficiently informed on every point on which explanations might be required, seeing that he had so recently been appointed to the office which he had the honour to fill. Some he should be able to give; and he was certain that the hon. and gallant Gentleman who had preceded him in office would be quite ready to assist him. With the exception of an increase in the number of men, which the feeling excited in the country a short time ago in favour of greater security had demanded, there had been a reduction in almost every Vote. The increase of men had been most judiciously effected in such branches of the artillery as required it—a proof that his predecessors had been perfectly aware of the exigencies of the occasion, and had distributed with economy the additions made to the forces of the Royal Artillery and the Engineers. With the exception of the increase of men, which necessitated an increase of expenditure, there was but one vote, No. 9, that for the scientific branch, which had been increased by a sum little exceeding 10,000*l.* In all the others reductions had been made, and made in his opinion most judiciously. Last year a Committee of that House had sat on the state of the Ordnance and the Army; many of the suggestions made in their Report had been carried out, some wholly, some in part; and they were still under the consideration of a Committee of military men.

Mr. W. WILLIAMS said, he looked in vain at the Ordnance Estimates for any evidence of economy. It was true that there was a decrease upon the Votes of late years, but this arose from the diminution in the number of barracks. The present Estimates, however, were double what they were in 1835, when the present Master General formed part of the Government of the late Sir Robert Peel. The amount of the present Estimates was 2,437,000*l.*, in 1835 it was 1,552,000*l.*, and it was still less by 100,000*l.* in 1834. He was of opinion that the recommendation of the Commission which sat in 1837

ought to be carried out, and that the Army and Ordnance departments ought to be united under one responsible Minister. There were at present no less than six different departments under the Commander-in-Chief: the Master General of the Ordnance, the Secretary at War, the Commissariat, which was under the Treasury, the Adjutant General, and the Quartermaster General. Expense and delay in the execution of necessary orders and reforms was the consequence of this complex system, and the sooner these different departments were consolidated under one responsible head, the better would it be for the service of the country. He would also recommend the abolition of the practice of allowing colonels to provide clothing for their regiments. When the present system was done away with, these regiments would be clothed more economically, and the clothing would be of a better description. He was afraid that the system of patronage which the present system permitted, was the real obstacle to these useful reforms being carried out.

Mr. J. A. SMITH would suggest that the comforts of the soldiers should be attended to, by providing them with more comfortable barrack accommodation.

Colonel DUNNE said, that as a soldier, he was of course anxious about the comforts of his fellow-soldiers; but the suggestion of the hon. Gentleman would necessitate an increased expenditure; and it depended upon that House whether it gave the money for this purpose.

General ANSON said, he was glad to hear the hon. and gallant Colonel opposite express himself satisfied with the general efficiency of the Ordnance Department, and he was quite prepared to take upon himself the whole responsibility of the Estimates now before the House. They had heard the old story, which was repeated year after year, of the difficult and complicated nature of these Estimates; but he was quite sure that, if separately considered, they would be as easily understood as any of the other Estimates. It was said that the amount proposed had doubled since 1835; but that was a very exaggerated statement. The present Estimates amounted to 2,437,000*l.*; and the Estimates for 1835, to 1,552,000*l.* It would be well if hon. Gentlemen made themselves masters of these Estimates, before they began to discuss them. It was not the fact that there were six different departments connected with the Army. The Adjutant General's

Office and the Quartermaster General's Office were in the same department. There were but three different departments, and he believed that they were conducted with great efficiency. Then they were told that a great opportunity for exercising economy would be found by following the recommendation of the Ordnance Committee; but he was of opinion that the present was the best system that could be followed, and that there would be some danger of injuring the efficiency of the service if all the departments were placed under one head. He would not go into the question of the clothing of regiments, because, if hon. Gentlemen read the evidence which was laid before the Committee on this subject, it would be seen that the result of their deliberations was, that it was not advisable at present to make any alteration. The increase in the present Estimates was owing to the increase in the artillery—an increase which, he was sure, no Member of that House would object to—and to the transference to these Estimates of the Commissariat.

Mr. HUME said, there was no doubt a great difference of opinion amongst the Members of the Committee on the Estimates; but several changes had been suggested, which he thought could be carried out with great benefit and economy: and he hoped the present Government would simplify the extraordinary anomalies which existed in this department. He would not say that they were kept up for patronage. He believed it was rather owing to the fact that when once persons entered into a bad system it was very difficult to get out of it. He believed no man was more anxious to promote the public advantage than the late Master General of the Ordnance; and that no man was more desirous of doing his duty both to the soldier and the public. He wished to blame no one; but the present system was bad, expensive, and complex. His decided opinion was that there should be a Minister of War, having the control of the whole War and Ordnance Departments—one master mind to direct all their movements, as was the case in every country of Europe except Great Britain. As the Estimates before the House were those of the late Government, and the present Admintration could not have had time to look closely into them, he would not oppose any difficulty to their being passed, but would simply throw out the points he had noticed, as worthy of the best attention.

Vote *agreed to.*

(2.) 749,324*l.* Pay and Allowances, Ordnance Military Corps.

(3.) 296,556*l.* Commissariat, &c.

(4.) 75,580*l.* Ordnance Office.

(5.) 288,313*l.* Establishments at Home and Abroad.

(6.) 121,646*l.* Wages.

(7.) 176,453*l.* Ordnance Stores.

Mr. HUME said, he thought the Committee ought now to have some explanation with respect to the arms supplied to the Army. On a former occasion it was stated in that House that during the last four or five years, while other countries had been improving the arms of their soldiers, we had been remaining quite idle; and it had been asserted in the public press by some who ought to know better, that our soldiers were actually incapable of doing their duty when required. Having been on the Committee, and knowing what a large expense was incurred annually for the renewal of arms, he begged to state that he believed none of the old arms were now used by any of the corps, with the exception of the retired veterans at home. This was a subject on which the hon. and gallant Member (Colonel Dunne) should afford some explanation. They ought not to appear before the world with a character for remissness in placing in the hands of the Army the best weapons that could be obtained.

Colonel DUNNE said, that since he entered upon the office he had the honour to hold he had discovered that there was no foundation whatever for the statements to which the hon. Gentleman had referred. For many years past the Commander-in-Chief had directed his attention to the new arms. The present Master General of the Ordnance was devoting his attention to the same subject; and he had no doubt that the British soldier would be found to be armed, not only as well as, but even better than, foreign soldiers.

General ANSON said, that so many misrepresentations had been put forth upon the subject mentioned by the hon. Member for Montrose, that it was necessary some explanation should be given. In the year 1838 we had changed our arms from flint to percussion locks; and the muskets which had been deemed most efficient by the highest authorities upon such a subject had then been adopted, and were still in use in this country. We had a simple percussion musket, and every hon. Member must be aware that for military service a peculiar description of arm was required.

It was frequently asked why the soldier should not have as good a fowling-piece as any private gentleman. But the soldier had to go through a peculiar service; he had harder work to perform than private gentlemen, and his fire arms were exposed to the danger of accidents from which other fire-arms were exempt. In the years 1846 and 1847 some novelties were introduced on the Continent in the manufacture of fire-arms; and after some experiments had been made for the purpose of testing their utility they had been adopted rather hastily, as he thought, by certain foreign Governments. Of these novelties the principal was the musket that loaded at the breech, which had been adopted, as he understood, by the Prussian Government only. That Government had supplied 10,000 or 12,000 of their troops with that musket. The invention was a very ingenious one, and to any one not conversant with military service it would appear that such a weapon would give a great advantage to the soldier who employed it, in consequence of the much greater rapidity with which it enabled him to discharge his fire. But he believed it had been found so inefficient in the Prussian army that the Prussian Government had ceased to furnish their troops with it. In the year 1847 the attention of the authorities at the Ordnance Department and at the Horse Guards had been directed to the improvement of our arms, and his noble Friend the late head of the Ordnance Department, and the noble Duke the Commander-in-Chief, suggested the appointment of a Committee, consisting of the most competent officers, for the purpose of inquiring into the matter, and receiving any proposals that might be made for the improvement of the muskets placed in the hands of our soldiers. That Committee had met at various periods since the year 1847. They had made trials of several descriptions of muskets which loaded at the breech, produced by seven different makers. But all those muskets had failed. They could no longer be worked after they had been tried for twenty rounds, in consequence of an escape of gas, or of some derangement in the machinery; and yet they had been made of the very best materials. Since that time various other inventions had appeared—there were, for instance, the muskets of the Chasseurs de Vincennes, which he understood had recently been supplanted by the Minié muskets. Those latter arms had been tried at Woolwich, and had there been found to succeed. But he believed that we ought not hastily to adopt any of those improvements. Complaints had been made of the great weight of our muskets, and of the great inconvenience which they caused to our soldiers; and it had been said that a musket with a small bore would be as effective as a musket with a large one. But the noble Duke the Commander-in-Chief had always maintained very strongly, and had told him (General Anson) over and over again, that he felt indebted in a great measure for the success of his armies in foreign countries to the weight and the size of the bore in our muskets. He (General Anson) found that the French were endeavouring to make their muskets of as large a bore as ours, and they felt satisfied of the greater efficiency of our muskets. He would not say that we were bound to adhere to the size of our bore; for it was at present ascertained that the weight of the ball was all that was required, and that, although the bore might not be as large as formerly, it would be as efficient as ever if it were to carry the same weight of lead. Attacks had daily been directed against the late Government for not having taken that subject into their serious consideration. But he would venture to say that there was not at this moment an army in Europe, or in the world, that could beat our troops with their present arms. He was satisfied that, although they might not load so quickly, and although they might not have so deadly an aim at 500 or 600 yards as the troops of some other countries—he was satisfied that, with their present arms in their hands, they would be found superior to any other soldiers in the world. He should observe that it would be ridiculous to suppose that two armies could fight at a distance of 500 or 600 yards. Much more depended on the discipline of the troops than on anything else. It had been said the soldiers did not receive enough of ammunition to make them competent marksmen; but there was great difficulty in finding ground near barracks for the men to practise in. He agreed entirely with the hon. Gentleman, that our army ought to keep pace with the armies of other countries; indeed, he thought we ought not only to keep pace but to excel; but, at the same time, it was better to investigate, deliberate, and test, in the first instance, than hastily to place in the hands of our soldiers new weapons which they might be afterwards obliged to lay aside.

Sir WILLIAM CLAY said, he was glad to hear the statement of the hon. and gallant Member, and was quite ready to admit that it would be most inexpedient to put weapons into the hands of our soldiery which we might be afterwards obliged to lay aside. He hoped, however, that attention would be paid not only to the quality of the arms, but to the question as to whether they were sufficiently practised in the use of them. He apprehended that many persons were not aware of the allowance of ball cartridges to our regiments. For the purposes of practice, they only received thirty rounds per annum, allowing them the opportunity of firing a shot at a mark little more than once a fortnight. That seemed to him to be so unutterably ridiculous, that at first he could not credit it, but upon inquiry had reason to believe it was perfectly true. That surely was not the way to prepare a workman to handle his tool with dexterity, and that tool the clumsiest that could be supplied to him. He was afraid that this statement could not be contradicted ; and hs hoped that now, as public attention had been called to the subject, a more efficient system would be adopted and pursued. He felt certain that there existed a very strong feeling of disapprobation and dissatisfaction at the present arrangements. Every one acknowledged the gallantry of our troops; but the Committee and the Government would be greatly to blame if they neglected to adopt that machinery by which the gallantry of our troops might be made most efficient. He should not like to see our soldiers with inefficient weapons. It was not fair or just to trust entirely to the gallantry and endurance of those brave men; but it was the bounden duty of that House and of the Government to take care that the very best weapons of defence and attack were put into their hands, so that, if the occasion arose, they might compete at least upon equal terms with the armies of other nations.

Mr. FOX MAULE said, he was glad to find that the rumour which had been so very generally circulated as to the inefficient condition of our troops, was by degrees being abandoned; but he saw that his hon. Friend (Sir W. Clay) believed that the British soldier carried in his hand a weapon which he was scarcely able to carry, or to use properly when its use was required. He (Mr. F. Maule) would say, as far as he was acquainted with the Army, and the weapons in the use of our soldiery at present, that there could not be a better description of arms than those now in use, in all the inventions that might be discovered. He wished to call the attention of the Government to one point. He had to express his earnest hope that they would not be led away by new inventions, nor attempt to reorganise a new system of weapons throughout the whole Army, because he felt persuaded that newfangled inventions, if carried out in our Army, would only cause reverses instead of the glorious successes which had hitherto attended our conflicts. He had no objection to see particular companies or detachments—sharpshooters, for instance, who might be sent out to skirmish in front of the main body—provided with the weapons spoken of, but he did decidedly object to the whole body of our soldiery being supplied with Minié muskets—an arrangement which would occasion very great expense—an arrangement by which we should throw away money, and only render our Army less efficient. Something had been said about the small quantity of ammunition supplied to our troops for the purpose of ball practice; but the hon. Gentleman with whom those objections originated did not consider the difficulty there was in procuring ground in the vicinity of barracks in populous towns for the purpose of practice. It was difficult enough to obtain ground for ball practice, even at a distance of 100 yards, but it would be much more difficult to find ground, more especially in the neighbourhood of our populous towns, where barracks were often most needed, where the troops could fire at a target 800 or 1,000 yards distant. It would be a great boon, no doubt, if such places were provided, but he felt certain the Government would devote its attention to the subject; and in the meantime he must express an earnest hope that the Government would not be carried away by gentlemen who wrote letters in newspapers without signing their names, and who found a delight in crying down the efficiency of our Army. He believed that ample testimony had been borne to the efficiency of our forces by the present and by the late Government; and his own belief was, that the British Army had never been in a more complete state than at present—never was better able to take the field, if necessity arose.

Colonel DUNNE said, that the Master General of the Ordnance was prepared to adopt any improvement that might be deemed advisable, and was of opinion, like his right hon. Friend (Mr. F. Maule), that it was not expedient to reorganise the whole Army in the manner some deemed advisable, but only particular portions of it. He entirely agreed with his right hon. Friend as to the difficulty of obtaining places near barracks for ball-practice; but the attention of the Master General was directed to the subject, which would not be lost sight of.

Vote *agreed to.*

(8.) 449,028*l.*, Works, Buildings, and Repairs.

Mr. HUME said, he wished to call the attention of the Committee to the state of the public works in the Channel Islands, and he would recommend the Government to send some competent person there who would make a survey of the fortifications which were now in progress in Jersey and Alderney. Two hundred thousand pounds had been already expended there, and he believed without any use whatever. They had been commenced in a panic, and rashly and hastily decided upon. He believed these works would give no security whatever to the Channel. In his opinion they were only throwing thousands into the sea. He had also to complain that a sum of 45,000*l.* had been expended at Portsmouth, on the authority of the Secretary of State, but not authorised by Parliament.

Colonel DUNNE said, he would make inquiry into the subject.

General ANSON observed that the works at Portsmouth to which the hon. Member for Montrose had referred, were commenced on the express recommendation of the Committee on Ordnance Estimates, and every item contained in the Estimate was in strict accordance with the suggestions of that Committee. All questions respecting the defence of the country must of necessity be decided upon by the Government, who were the responsible parties. The Government had thought it expedient that there should be certain fortifications erected in the Channel Islands, and he felt sure that the Committee would unanimously agree in the adoption of a measure which had received due consideration.

Mr. HUME said, that the objection which he took was on a point of principle. The Committee on Ordnance Estimates had recommended that whenever any expense should be incurred, the authority of the Secretary of State should be given; but he objected to any Secretary of State commencing fortifications without the previous authority of Parliament, except in cases of emergency.

General ANSON explained that if necessity for any work was shown to exist, it was usual to lay a plan before the Government, and if the Government approved of the work, the sanction of the Secretary of State was given simply as an official matter. The plan was then put in the Estimates, and submitted to the consideration of the House of Commons, which, if it thought fit, might refuse a grant for the work.

Mr. WALPOLE said, that the Vote was framed in strict accordance with a recommendation of a Committee of that House, to the effect that before any new work or fortification should be inserted in the Estimates, a written order of the Secretary of State should be obtained. All that had been done in the present case was this—before the Estimate was submitted to Parliament, the sanction of the Secretary of State had been given to the proposal of that Estimate, but not to its adoption. It remained for the Committee to pass the Estimate if it thought proper.

Vote *agreed to.*

(9.) 107,907*l.*, Scientific Branch of the Ordnance Department.

Mr. WYLD said, he must express a hope that the scientific branch of the Ordnance Department would receive the special attention of the Government during the present year. He begged particularly to point out to them the large expenses attendant on the British surveys, and the small results hitherto obtained. Nearly 1,500,000*l.* had been expended on the survey of Great Britain, and only ninety sheets had been published of the Government survey, five years having elapsed since a single sheet had been published. A large portion of the northern part of England still remained unpublished. He observed that engineers, and sappers and miners were the only officers of the Army employed on the survey; but in every other country of Europe officers in every department of the Army were employed in this way. The work would be facilitated, and a saving of expense would be effected, if all classes of officers were employed in the survey. It was important, in a military point of view, that soldiers should have a good knowledge of a country, and should be able to take military surveys, and he would therefore suggest that officers and students in the military colleges should be employed in the survey of Great Britain.

Sir DENHAM NORREYS trusted that the one-inch Ordnance map for Ireland would be shortly published.

Mr. CHARTERIS wished to know if it was intended to abandon the six-inch scale for the Scotch survey, as recommended in the report of the Committee of last year?

Colonel DUNNE said, that Ireland had been completed on the six-inch scale, which was now in progress of reduction to one-inch for geological purposes. In the British service it was only a particular corps of the Army which had to perform these surveys; but with regard to any measures for improving the scientific education of the officers of the Army generally, he should be happy to give them his support. With respect to the Ordnance survey in Scotland, the four counties had been surveyed on the six-inch scale, but the remainder of Scotland would be finished on a reduced scale. The sum of 15,000*l.* a year, hitherto voted for the survey in Scotland, had been increased this year to 25,000*l.*, with the view of enabling the survey to be completed in ten years.

General ANSON said, this discussion only showed the difficulty of pleasing all parties with respect to the Ordnance surveys. He had had an opportunity, from his late official position, of forming a judgment on this question, and he must on that occasion enter his protest against the principle of changing the original scales as proposed by the Committee which sat on the survey for Scotland last Session, because he felt perfectly certain that in ten years hence, after the whole survey had been completed on the one-inch scale, they would have the people of Scotland coming forward to ask for a six-inch survey; and it would be much easier to reduce a six-inch map to a one-inch scale, than it would be to raise a one-inch map to a six-inch scale.

Mr. CHARTERIS said, that the Committee which sat on the Ordnance survey of Scotland last Session went carefully into the whole subject, and examined a number of scientific men, among whom were the names of Mr. Brunel, Mr. Stephenson, and Mr. Locke, who all gave it as their opinion that a six-inch scale would be practically worthless, and that if the country wished to have a map that would be useful, the scale must be reduced to one-inch. A six-inch map would be too large for general purposes, and too small for the requirements of the proprietors of estates. Besides, the adoption of the one-inch instead of the six-inch scale for Scotland, would effect a saving to the country of 500,000*l.*

General ANSON said, he had every respect for the opinion of the scientific names quoted by the hon. Gentleman; but the evidence of Mr. Griffiths, who had perhaps had more practical experience of this subject than any other man, was in favour of the six-inch scale. This only showed the danger of altering the system that had hitherto been followed.

Sir DENHAM NORREYS was willing to admit that the facility of reducing a six-inch scale to one-inch was greater than in extending a one-inch scale to a six-inch.

Mr. COWAN said, that having been a Member of the Committee which sat on the survey for Scotland, he could corroborate the statement of the hon. Gentleman (Mr. Charteris). The overwhelming preponderance of the evidence taken by the Committee was in favour of the one-inch scale; and the hon. and gallant Member (General Anson) stood alone in his support of the six-inch scale. The reduced scale was not only recommended by the consideration of its economy, but it afforded the prospect of a completion of the survey in ten years, instead of which, if the six-inch scale were adhered to, they could not hope to see it finished in less than half a century hence. The survey had hitherto been proceeded with in a very desultory manner, Wigtonshire, Kirkcudbrightshire, Edinburghshire, and the island of Lewis, having been taken after each other, instead of the counties being taken in their regular order. The people of Scotland were anxious to see the survey conducted in the different districts in proper succession, and to have the whole rapidly completed.

Mr. HUME hoped that, if practicable, the price of the Ordnance maps would be still further reduced at once for the convenience of the public, and for the benefit of the revenue. The reduction which had already taken place in their price had been attended with a considerable increase in the sale. It seemed quite clear that the remainder of the survey ought to be executed on the one-inch scale.

Colonel DUNNE said, he had his own opinion—and that a very strong one—as to the scale which ought to be adopted; but he would not state that opinion on the present occasion. It had been said that the six-inch scale was found very convenient for the proprietors in Ireland; but it must be remembered that the original design of the survey was not the exclusive benefit of the local proprietors; and he believed it had cost nearly 1,000,000*l.* sterling. With regard to the order in which the survey had been taken in Scotland, the Government intended that it should be proceeded with in a more regular manner hereafter.

Mr. CHARTERIS was sure the people of Scotland would be perfectly satisfied with the announcement of the hon. and gallant Gentleman (Colonel Dunne) as to the future prosecution of the survey. He should like to know what was the reason that the six-inch scale had ever been adopted? Mr. Griffiths originally proposed that the six-inch scale should be adopted for Ireland, because he thought the one-inch scale would not answer for that country; and the consequence was that the six-inch scale was not only introduced into Ireland, but the one-inch scale, which previously existed for the other parts of the United Kingdom, was changed, in order to assimilate it to the scale adopted in Ireland. But it should be remembered that the design of the survey in Ireland was to facilitate Mr. Griffiths' town-land valuation; whereas in Scotland these maps were not wanted for valuation purposes, but for general purposes. Besides, a very large proportion of the surface of Scotland was mountainous, and it was obvious that in such a country a map on a six-inch scale was totally unnecessary.

Vote *agreed to;* as were also—

(10.) 172,356*l.* Non-effective Services.

(11.) 437,602*l.*, Commissariat Department.

Mr. G. A. HAMILTON said, that in no department had greater reductions been effected than in the Commissariat, the Vote for which last year amounted to 514,442*l.* while the Votes for the present year only amounted to 481,201*l.*, making a reduction of 33,241*l.* There were two exceptional cases, however, in the Estimates this year, where there had been an increase, namely, with reference to the Cape of Good Hope, and Western Australia. With regard to the Cape, 49,776*l.* had been applied for and had become necessary, as an increase caused obviously by the recent peculiar circumstances of that colony; and with respect to the Vote for Western Australia, an item of 6,276*l.* arose from the establishment of a convict depôt there.

Vote *agreed to;* as was also—

(12.) 43,599*l.*, Half Pay, Pensions, and Allowances, Commissariat Department.

House resumed.

WAYS AND MEANS—INTEREST ON EXCHEQUER BILLS.

House in Committee of Ways and Means.

Mr. G. A. HAMILTON moved a Resolution for a Vote of 17,742,800*l.*, to be raised by Exchequer bills, for the service of the year 1852.

Mr. HUME said, that he wished to know at what rate of interest the Exchequer bills were to be issued. He believed that these securities at present bore too high a rate of interest, considering the value of money in the market, and indeed that the interest should have been reduced on the occasion of the last issue, by the late Chancellor of the Exchequer.

Mr. G. A. HAMILTON said, that the rate proposed was 1½*d.* per day, which was the rate adopted by the late Chancellor of the Exchequer, and which he believed was the lowest rate they had borne for more than a century.

Mr. HUME said, that money was never known to be procurable at so low a rate as at present; and he was sure that if these bills were issued at 1*d.* a day, which would give an interest of 1*l.* 10*s.* 5*d.* per cent, they might be circulated to the full extent which the Government desired. He did not see why Government should not obtain the full advantage of the present abundance of money.

Mr. Alderman THOMPSON said, that he quite agreed in the opinion that Government should obtain money at as low a rate as they could; but at the same time he did not think that the rate of interest on Exchequer bills should vary according to the variations of the value of money in the market, because the greatest possible inconvenience would arise from these fluctuations. Nothing could be more inconvenient than to have Exchequer bills at a discount, or even at par. He thought the late Chancellor of the Exchequer was perfectly right in not reducing the rate of interest on Exchequer bills at the time referred to by the hon. Member for Montrose (Mr. Hume), because, although the money market had certainly been easier since, and it had turned out that he would have been right in lowering the rate of interest, still the operation would at the time have been attended with considerable risk, which he thought the Government were quite right in not running. The rate of interest on an Exchequer bill, which was issued for twelve months, could not be compared with that on a bill of exchange, which had only sixty or ninety days to run. It might be convenient to a capitalist to advance money on the latter class of securities but not on the former, because he might want his money within a limited period. He thought it was, therefore, wise in the Chancellor of the Exchequer not to run the risk of having Exchequer bills pressed on him, or having a great amount of revenue paid in them, perhaps at a time when there was no great sum in the Exchequer. It was a great point not to allow the public securities to sink below par. Money, indeed, was now at a low value, and was likely to remain so, for there were large masses of it in the City of London for which there was no employment.

MR. HUME wished to know that if money was so low, why should not the nation benefit by the circumstance? Exchequer bills were now at a premium of 70*s.*, and he contended that the country should not continue to borrow money at a rate of interest at which these securities actually bore a premium amounting to a year and a quarter's interest.

MR. SLANEY said, that such was the abundance of money that it was with the greatest difficulty that large capitalists could get 2 per cent for it, and the smaller capitalists had hardly a chance of getting any investment at all, in consequence of the existence of laws which prevented capital seeking investment in our own country.

MR. G. A. HAMILTON would suggest that, considering the importance of the subject, the discussion upon it should be postponed to a subsequent stage.

MR. HUME said, he would allow the Resolution to pass, but he should again call attention to the subject upon the bringing up of the Report.

Resolution *agreed to.*

House resumed.

APPREHENSION OF DESERTERS FROM FOREIGN SHIPS BILL.

Order for the Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CHISHOLM ANSTEY said, that he rose for the purpose of moving that this Bill be read a second time that day six months. This was a Bill to enable the Crown to carry into effect in the British ports certain arrangements made with foreign Powers, for the reciprocal extradition of seamen deserting from the ships of such Powers. It would be in the recollection of the House that a few years ago considerable sensation was caused in this country by the circumstance of some Poles, who had been unwillingly pressed into the service, deserting from a ship belonging to the Czar of Russia, which was lying in Southampton water. An attempt was made by the officers of the ship to induce the English authorities to give up these men, but the law was too strong for them, and they were sheltered from pursuit. But it now appeared that arrangements had been made—for anything he knew with the Czar of Russia—which, if Parliament authorised them to be carried into effect, would for ever deprive such persons of protection on the like occasions. The purport of the Bill was, that upon any such contingency occurring again, as that to which he had just referred, every justice of the peace, under some Order in Council to be published on the subject, not only might, but should, aid in recovering foreign deserters, and in apprehending those persons and sending them on board; in other words, consign to what, he had no hesitation in saying, would be certain death. If any such "arrangement" had been made with any foreign Power, he could only say it was eminently disgraceful to those who had made it, and he trusted that Parliament would be careful not only to avoid the disgrace of sanctioning it, but to punish the authors. He wished to know who was the Minister that made it, and upon whose application it was made, and upon what inducement? He wished to know who were the "certain" Powers referred to? Did they include the autocrat of Russia, the tyrant of Austria, or the usurper of France? On these points Parliament were left quite in the dark, and all they were told was, that these Powers had bound themselves by similar stipulations to surrender deserters from our service. But there was no parity between the two cases. An English deserter was restored to a jurisdiction which was regulated by law; of that law he would have the benefit, and by it alone he would be punished. But, on the other hand, in the cases of these foreign Powers, there was no security that these unfortunate persons would have a fair trial in the countries from which they had fled. What could we think of Austrian courts martial, when we were told by the Austrian Government itself that it was a point of honour in the Austrian army for an officer at the head of a regiment under arms to cut down an unarmed English gentleman in the face of day? It was such miscreants as these who would constitute the courts martial for the trial of those persons who would be declared culprits by this Bill. It could not be said that this Bill was only intended to extend to deserters from merchant ships, for it was only the second clause that referred to the laws now in force for the prevention of desertion from merchant ships. But the first clause armed magistrates with the same power over deserters from all ships belonging to a foreign Power as they had now in the case of British seamen deserting from British merchant ships. For the first clause provided that—

> "Whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British ships in the territories of any foreign Power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen who desert from ships belonging to such Power, or to a subject of such Power, when within Her Majesty's dominions or the territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operations of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient."

If this was the fruit of any changes which had taken place in the Foreign department of the Government during the past month, or in the month of January last, he thought the country had cause to regret them. If England was to make herself the gaoler of the Holy Alliance, not to immure a Napoleon (he wished that we had him now in durance—the Little not the Great), but for the oppression of the unfortunate and the innocent, the day of England's dishonour was drawing nigh indeed, and the sooner we receded from the position we had hitherto occupied at the head of the first-rate Powers of Europe, the better for the happiness and liberty of the world. He was sorry that any extradition treaties had ever been concluded; their necessity had never been proved, and he was quite sure they were unconstitutional. But this Bill would go far beyond those treaties; for it was now proposed to punish not merely desertion of a scandalous character, but to make desertion *per se* criminal, and then to punish it. An arrangement had no doubt been made with Portugal some time ago to prevent desertion from merchant ships and from vessels belonging to Portugal, not upon the British soil, but to the British service; and it was provided that if a foreign sailor deserted the service of the Power whose subject he was, and entered our service, our Government should be bound, on the fact being notified to them, to cause such deserter to be discharged from the service, but not to be given up. But that was all. It was no precedent for this Bill, nor could any precedent in fact be found to justify it. Upon all former occasions of a similar character to the present, it had been usual to specify the conditions and terms of the arrangements which had been entered into, and, above all, to specify with what foreign Powers they had been concluded, that we might know whether they were constitutional or absolutist, whether they were Powers whose performance of their stipulations might be relied upon, or Powers with whom it consisted with the dignity and independence of the country to treat upon such a matter. On the whole he asked the House to agree to his Amendment.

LORD DUDLEY STUART, in seconding the Amendment, said, that the Bill appeared to him open to very grave objections, although, he confessed, it was plausible enough, and might recommend itself on the first blush to many hon. Members; because this being a nation which depended in a great degree on commerce, and whose ships went to all parts of the world, it was desirable that the sailors belonging to them should not be allowed to violate their contracts, and desert from the service of their employers, and it was convenient that there should be ready means of forcing them to return to their engagements, or to be punished if they did not. If the Bill simply referred to sailors in the merchant service, he did not know that there would be any objection to it. But he concurred with his hon. and learned Friend (M. C. Anstey), that we ought to look with jealousy at all treaties which were in the nature of treaties for the purpose of extradition. This Bill sanctioned a proceeding similar to extradition. Nothing could be more proper than that criminals should be given up by different countries in whose territories they took refuge, provided that their laws were all the same, and as just as the laws of this country, and if there was no greater danger of injustice and abuse than here. But inasmuch as this was not the case, and there was a great danger of injustice, and greater probability that lives would be taken away in other countries than in this, we ought to look with jealousy at all treaties of that description, and if they were agreed to, it should only be in a case of the greatest necessity. He distinctly said he did not see such a necessity in the present instance, and he did see the danger that if this Bill became law in its present shape, great injustice might be perpetrated, and that House and the Government would, in point of fact, be made the tools of foreign despotism. Did they mean to do that? and were the sympathies of the present Government with the despotic Powers of Europe? Such was the general supposition, which he hoped was an untruth and a calumny; but the introduction of a Bill of this kind was very likely to confirm that impression. In the case of merchant ships there was no great objection to a measure of this nature; but there was the greatest possible objection in applying it to ships of war, although if the navies of other countries were manned as ours now were—and he was sure always would be—by voluntary enlistment, the Bill might be less objectionable. But were hon. Gentlemen aware of the mode in which the navies of some countries were manned? In despotic countries men were compelled to enter the service, whether they would or no, and were forced to become sailors by way of punishment. In Russia it happened that, when persons were obnoxious to the Government, they were compelled to perform military service, into which they were entered by force, and not voluntarily; and they were frequently compelled to serve in the navy, because the duties were more severe, and because it was more disagreeable and the hardships greater. His hon. and learned Friend (Mr. C. Anstey) had referred to the case of some persons in the service of Russia which had occurred some years ago. He (Lord D. Stuart) was familiar with the case, which he would describe. In 1842 a Russian man-of-war, bound from the Baltic to Kamschatka, was driven by stress of weather into Portsmouth. There happened to be on board of her a certain number of Poles, who had taken part in the war in Poland, and, being obnoxious to the Russian Government, had been compelled to enter the navy. When the ship's company came on shore, they came too; and meeting some Polish refugees who were located at Portsmouth, heard for the first time that they were not, as in their ignorance they supposed, at Kamschatka, but in England, a free country; and they were told there was no reason why they should go on board again, and were advised not to do so. On their refusal to return, the Russian officers demanded them, and wished to force them on board; but, according to our laws, no such thing could be done, and if they had been seized, a "habeas corpus" would have been moved for. The Russians, therefore, abandoned the attempt to get the poor men into their clutches, they did not go back into the Russian service, but had remained in this country ever since, and were now employed in some factories in Birmingham. If such a Bill as this had been then in existence, these men would have been claimed, and the magistrates would have been compelled to assist in their apprehension, and they would have been given up. Let not that House or the Government make themselves the tools of despotic Powers, or lend them the assistance of our laws to enforce their tyrannical measures. If this Bill was passed, the Government would do that, and although they would conciliate their friends (if they were so) the despots, they would not conciliate the opinion of the people of this country, or raise themselves in public estimation. It was said by the Government, which had confessed itself to be in a minority in that House, over and over again, that there was an understanding that they would not insist on carrying measures which were not necessary to the business of the country. He did not think this could be called such a necessary measure. Things had gone on for many years without the Government requiring such powers; and was it necessary, just before a dissolution, to occupy the time of the House with a measure of this kind? Surely it could wait. They might be told that this was not exactly the measure of the present Government, and that the plan was prepared by their predecessors. If they were told that, he should take leave to doubt whether the late Government did intend to bring forward precisely such a Bill as this, although they might have contemplated a Bill something like it. His hon. and learned Friend (Mr. C. Anstey) had adverted to a measure which had a similar object, which was a treaty with Portugal, sanctioned by that House, with regard to the delivering up of deserters. He had that treaty now before him, but it was not like the Bill before the House. It was not a question with regard to giving powers to the Queen in Council, but it was a special treaty for a particular purpose. He believed it had been felt by former Governments to be inconvenient to come down to the House to sanction a special treaty in every case, and they thought it best to have a Bill giving power to effect the required object by the Queen in Council. The treaty in question referred entirely to sailors in the merchant service, and not to those employed in men of war. It could not be construed otherwise, because it contained two sections, one of which applied to ships of war, and stipulated that this country and Portugal should neither of them receive into their service sailors from the men-of-war of each country. Then, with regard to sailors in the merchant service, there was a stipulation that, in the case of apprentices or sailors who should desert from their ships, being subjects of either of the contrating parties, while on the territory of either, the magistrates of that country should render every assistance in their apprehension, on application being made by the consul. This only applied to the sailors of merchant ships; and he had hoped that this course would have been adopted by the right hon. Gentleman the President of the Board of Trade, and that it was not the intention of the Government to make any stipulation with regard to the apprehension of sailors on board a man-of-war; and he (Lord D. Stuart) yet trusted that they would take them out of the operation of the Bill. He was sure that there would be many cases if this Bill was agreed to, in which great cruelty would be practised, and that House would be a party to it. He had adverted to the case of the Poles in the Russian service, because what had there happened might happen again. But that was not the only case. Even so lately as last year a sailor from on board a Turkish man-of-war took refuge in Haslar Hospital, and was claimed by his officers; but, as he (Lord D. Stuart) was informed, he was not given up, as if he had he would have been put to death. If this Bill had then existed without any alteration as it now stood, that man must have been given up. If this Bill passed the House, the Government would be only making themselves the humble servants of foreign Powers—and doing their dirty work. He hoped that would never be, and that he should hear from the right hon. Gentleman the President of the Board of Trade, that it would not be. If not, he should by every means in his power support the Motion of his hon. and learned Friend.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. HENLEY said, he had no intention of following the example set by the noble Lord and the hon. and learned Gentleman (Mr. C. Anstey) in deprecating delay, and charging Gentlemen on his side of the House with delaying the public business, and yet making speeches which brought in every subject, from Kamschatka to Poland, and which had nothing whatever to do with the question before the House. It was his duty to tell the noble Lord, and the hon. and learned Gentleman, that this Bill was prepared by the late Government. There had been a general complaint from the owners of merchant ships of the inconvenience attendant on the desertion of seamen in foreign ports. There had been constant communications made by the shipping office of the Board of Trade on the subject. There was no power or means by which seamen in foreign ports could be got back to their ships, and this country could not ask foreign countries to give their assistance in the matter unless similar aid was afforded to them in this country. All that had been said by the noble Lord of the inconvenience and injustice of compelling men, who had once set their foot on the shores of this country, to go back to their own ships, seemed to apply as much to merchant seamen as to those on board of men of war. If the House, however, thought it advisable, the Bill might be made applicable to merchant seamen only, although he thought that the ships in Her Majesty's service would thereby lose a great advantage. [Lord D. Stuart: In the one case there is no bargain.] There was no bargain, but still it was desirable to assimilate the two cases. If hon. Gentlemen opposite thought it desirable to deprive Her Majesty of the advantage of getting back seamen who had deserted from Queen's ships, let them pursue their object. The Board over which he had the honour to preside, had only to take care of the merchant seamen; but the officers of Her Majesty's service had made great complaints of the difficulties of reclaiming those men who had deserted in foreign ports; and as our ships, which visited foreign ports, were about one hundred to one as compared with those which came here from other countries, the balance of inconvenience would not be against us. As far as he was concerned, he had no objection to make to the alteration proposed. The only addition he had made to the Bill, was a provision by which he took care that the men were not apprehended, except on information or oath, and not, as was provided by the Portuguese treaty, merely on the request of the Consul. If the House, when in Committee on the Bill, chose to make its provisions particular and not general, he should not object; but he thought it would be better to give Her Majesty's ships the same advantage as that which would be enjoyed by merchant vessels. As to the declarations about liberty which had been made use of, he thought they might just as well have been spared on the present occasion, and he believed that often those who were loudest in such protestations were not always the most sincere.

Mr. HUME thought that very much of what had been said might have been avoided, if the course had been followed in this instance which was usual in all cases where a Bill was founded upon arrangements made with foreign Governments. The preamble of the Bill distinctly set forth certain arrangements concluded with foreign Powers and this country; and the proper course was to have laid these arrangements on the table of the House. He understood that neither the hon. and learned Gentleman (Mr. C. Anstey), nor the noble Lord (Lord D. Stuart), objected to powers compelling seamen to go back and fulfil the contract which they had entered into, and therefore the Bill was very properly made applicable to the mercantile marine. But if words were put into it which would apply to Russian ships of war, for instance, on board of which the men were put by compulsion, he did not see how, in case a vessel from Martinique were to put into a British port with a cargo of slaves on board, if these should escape, the British Government could avoid sending them back again into slavery. He warned them against the effect this measure might produce upon the character of this country, upon which Earl Granville when in office had so ably taken his stand, and of which the noble Lord (Lord J. Russell) boasted as affording security and protection and hospitality to all who sought an asylum on our shores. He was quite satisfied the object of the right hon. Gentleman the President of the Board of Trade could be secured without the objectionable words referred to, and hoped he would give his attention to making the necessary change when the Bill went into Committee. He would not on that ground oppose the second reading.

Colonel THOMPSON could not agree with the last speaker that this Bill would be harmless if confined to merchant seamen. He believed there was not so unprotected an animal as a merchant seamen on the face of the earth, or of the waters under the earth. He might be cut in pieces by the captain, and have his remedy afterwards; and if the captain was not in the way, he might be cut in pieces by the mate. Hon. Members knew he was referring to distinct cases, proved before the courts. A merchant seaman did not desert in a foreign port, except under the pressure of ill treament; because he left his wages. The pith of the objection to the measure lay in the fact that it related to merchant seamen. He had great doubts whether the third clause of the Bill, imposing penalties on those who harboured deserters from foreign ships of war, would be obeyed in England. Suppose the occurrence of any of the cases which had been put by the noble seconder. He was sure he would not obey it himself; he would pay the 10*l.* fine over and over till somebody was tired of exacting it. History would show, it was a fearful spirit that was evoked, when laws were made which put obedience into opposition with the private honour and sense of duty of individuals. Things were going badly with us when an extradition treaty was proposed to this country, as if we were Switzerland, or Belgium, or Piedmont. He feared the Government was in league with the proposers; and the people of England would only have themselves to blame, if at the approaching period when they would have the power in their own hands, they did not take order for amending it.

The CHANCELLOR of the EXCHEQUER said, he should be sorry if the hon. Gentleman the Member for Montrose should labour under any mistake on the subject of this Bill. The present stage was the second reading, and the point which had been pressed could not be considered till another stage of the Bill. He feared the hon. Gentleman had misconceived what had been stated by his right hon. Friend the President of the Board of Trade. All that the Government could do would be to consider the point. The alteration proposed would throw difficulties in the way of the object which the Bill was intended to accomplish. The hon. Gentleman the Member for Montrose, and the other Gentlemen who had taken part in the discussion, had mistaken the origin of the Bill. It originated not in the wish or from the dictation of any foreign Power, but from a necessity which had been felt by the Government, by the English Government, with regard to the accomplishment of English purposes; and in order to that accomplishment it was necessary to offer such terms to foreign Powers as would enable them to effect the desired object. There had been no treaties of this description except that with Portugal; and, as regarded all other countries, the Government must act by means of legislation; and if the Bill was limited to merchant seamen, great difficulties would be thrown in the way of the object they wished to attain. He wished it to be understood that the Government were very ready to consider the point, but he did not pledge himself to adopt the alteration. This was not the stage for making any alteration in the Bill, and the question must be considered more widely than it had hitherto been, for, by limiting the Bill, the object of the Government would be defeated.

Viscount PALMERSTON said, he thought that the right hon. Gentleman the Chancellor of the Exchequer, not unnaturally, as he was newly in office, had misconceived the circumstances out of which the Bill had arisen. The right hon. Gentleman inferred that the Bill only carried out the intentions of the late Government, and which were entertained when he (Lord Palmerston) was in office. The circumstances were these: The late Government received an application in November from the Swedish Government, asking them to conclude a treaty containing several provisions with regard to the surrender of seamen, and with the same stipulations as those of the treaty with Portugal of 1842. The treaty with Portugal provided that each of the two contracting parties should agree not to retain in the service of the State deserters from the ships of war of the other party, but that they should be discharged. There was, however, no engagement to surrender them. The treaty further stipulated that the magistrates and consuls of either country should give every facility to the apprehension of deserters from merchant vessels who were subjects of either Power. This was the sort of engagement that the Swedish Government wished to enter into with regard to Sweden. His right hon. Friend the late President of the Board of Trade thought, and he concurred with him, that it would be better, instead of entering into formal treaties which involved matters of delay, to ascertain if similar engagements would be convenient to other Powers as well as Sweden, and if it was found to be convenient to them, that it would be better to propose to Parliament a Bill giving power to the Crown, or rather to the Queen in Council, to enter into the same kind of treaties with other Powers as had been contracted with Portugal. He (Viscount Palmerston) acquiesced in that view, and it was the intention of the late Government to prepare a Bill to that effect, and he presumed that this was the Bill which had been prepared by the late President of the Board of Trade in conformity with that intention. To that extent a legislative enactment would be expedient. The addition seemed to be an inadvertence, and undoubtedly this Bill went beyond the intentions to which he at least was a party, and he would, therefore, venture to submit to Her Majesty's Government that it would be advisable, when the House was in Committee on this Bill, so to alter the provisions of the Bill as to make it identical with the stipulations in the treaty with Portugal. That would not be an arrangement for the mutual surrender of deserters from ships of war, but simply an engagement not to retain them in the service of either State; and in regard to deserters from merchant vessels, it would be simply, not a surrender of them, because that would be difficult in point of execution, but an arrangement that the magistrates should give every facility to the Consuls of other countries for the purpose of apprehending them. A case had happened last summer in regard to a deserter from a foreign ship of war, which, had this Bill been the law, and had we been under an engagement, founded upon this Bill, with the State to which that ship of war belonged, would have placed us in a very disagreeable and embarrassing position. A Turkish frigate came into Portsmouth, and remained there for some time. One of the persons attached to that frigate, in consequence of a dispute with the captain and other officers, and being liable to severe punishment, escaped from the ship and got into the streets of Portsmouth. He made good his escape, but afterwards, in consequence of illness, he was sent to Haslar Hospital. It would have been exceedingly unpleasant to us in that case, had we been obliged to deliver up that person to the Turkish frigate; for that individual did not conceal his apprehension, that if delivered up, he would be taken to Constantinople, and that in fact his life would be sacrificed. It would therefore be painful to be under the necessity of delivering up such persons to other States; and he thought the commercial purposes would be sufficiently accomplished by the stipulations contained in the treaty of 1842 with Portugal, and therefore he recommended the Government to reconsider this Bill, and to adopt the alterations suggested in Committee. But there were no reasons why the second reading should be postponed. The second reading was necessary in order to get into Committee, and he hoped that the House would adopt the second reading without a division.

Mr. P. HOWARD thought the discussion ought to have been conducted without launching those harsh and severe invectives against foreign and friendly Powers which had characterised some speeches that night. Such language did not strengthen us with Foreign Powers; and the silence with which it had been received showed that it obtained no approbation in that House. He should be ready to support the real interests of liberty as stanchly as any one else; but it was derogatory to Parliament to suffer such unnecessary invectives against rulers in amity with this country. With regard to the Bill, if the Government had gone beyond the point required, it was probably from the instructions not having been sufficiently defined; he trusted that with the assistance of the noble Lord (Lord Palmerston), the commercial interests of the country, and the cause of freedom, and the maritime police of the country, would be sufficiently guarded.

Mr. Alderman THOMPSON would give no opinion as to whether or not it was expedient to apply this Bill to ships of war; but he could positively assure the House that some such measure was absolutely necessary to the mercantile marine of this country. We had gone on long enough, certainly, without this Bill; and it might be said that we could get on still very well without it. But of late years new circumstances had arisen rendering such a measure indispensable. For instance, British ships going to San Francisco might lose their crews, and could have no means of regaining them; and might, therefore, be laid up for months, while foreign ships would take their cargoes for China and the East Indies, and continue their trade. Then the new mercantile marine laws required that on a ship sailing the captain should sign an agreement with each seaman, which agreement could be anywhere enforced. Why was there not to be a mutuality in such agreements? This Bill was to give to the shipowner the protection already granted to seamen.

Lord JOHN RUSSELL considered that the Bill ought to be read a second time, but he thought there was a good ground of objection to the form of the Bill as stated by the hon. Member for Montrose (Mr. Hume). The preamble ought to have set forth the nature of the arrangements on which the Bill was founded. He would have first stated the treaty with Portugal on which that Bill was founded, then he would have inserted an enactment to enable Her Majesty to carry that treaty into effect, and then another enactment giving power to enter into treaties of a similar nature with other Powers. He thought that ought to have been the form of the Bill, and then they would have seen how it was to be carried out. The measure, he admitted, was of great importance to our mercantile marine, and he hoped it would be read a second time, reserving the details for the Committee.

Mr. TENNYSON D'EYNCOURT would have had no difficulty in voting for the second reading, if it had not been for the statement of the Chancellor of the Exchequer, who had thrown some doubt on what was the real intention of the Government. He hoped the right hon. Gentleman would tell them that he meant to withdraw the clause relating to ships of war.

Mr. THORNELY would like to know whether, if this Bill passed in its present shape, and a Brazilian vessel came here with slaves on board, some of whom got on shore, we should not, in accordance with this Bill, be bound to put them on board again?

Mr. AGLIONBY said, he should vote for the second reading, believing that the Government would not object to that portion of the Bill which applied to ships of war being struck out in Committee, or at all events, reserving till then, according to the practice of the House, the objections to that part of the Bill.

Mr. RICE would vote for the second reading, and suggest that an endeavour should be made in Committee to assimilate the provisions of the Bill to the Portuguese treaty.

Mr. FORSTER did not think the Government were agreed amongst themselves on the question. As they had not declared their opinion, he considered it was only fair to postpone the second reading.

Mr. GOULBURN thought the rational mode to take was to read the Bill a second time, and consider the objections in Committee. He considered it was unreasonable to oppose the second reading because Government would not pledge themselves to make certain alterations.

Mr. WALPOLE was understood to say, that the object of the Bill was simply to carry out certain arrangements made with foreign Powers, in reference to deserting seamen. Whatever those arrangements were, it was desirable that they should be fully understood. There was the treaty with Portugal; and there were other arrangements made with Sweden—both being nearly alike. The documents detailing those arrangements might be laid on the table of the House; the treaty being known, need not be produced; and the House would then be in a situation to go into Committee, and to see how far those arrangements could be carried out. The hon. Member for Wolverhampton (Mr. Thornely) appeared to think that in the case of Brazilian slaves deserting from Brazilian ships, and taking refuge on English soil, such persons, under this Bill, would have to be delivered up by the English authorities. But there really was nothing in the Bill applying to such a case. The Bill applied solely to "seamen."

Mr. THORNELY did not see that that was an answer. Slaves sometimes were used to man Brazilian vessels, and such slaves would be "seamen." Now, he wanted this, that when a slave touched British ground he should be free for ever.

Mr. JACOB BELL thought that there was a distinction. A slave, being a slave, could make no agreement, and was, therefore, not a "seaman" in the sense of being a party to a bargain—the only case to which the Bill applied.

Sir ALEXANDER COCKBURN would, of course, vote for the second reading. But he suggested whether it would not be expedient to increase the powers of magistrates under the Bill. It proposed to give them no alternative: they could only deal with a case in one way, by delivering up the deserter. But he thought the magistrate should be empowered to inquire into the causes of desertion—ill treatment sometimes justifying desertion; and in such instances the magistrate might usefully have a discretionary power.

Mr. CHISHOLM ANSTEY had heard the right hon. Gentleman (Mr. Walpole) very indistinctly. Had he said that the Bill, in Committee, would be made consonant as with the Portugal treaty; and that the distinction would be made between ships of war and mercantile ships?

Mr. WALPOLE was understood to say, that Her Majesty's Government did not wish to do more than carry out the principles of the treaty with Portugal.

Mr. CHISHOLM ANSTEY said, that, having received that intimation, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°.

CHARITABLE TRUSTS BILL.

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

The ATTORNEY GENERAL said, he thought that a Bill of this importance should not go into Committee without an explanation being given to the House of its scope and object. Circumstances had occurred which prevented the statement being made in the usual stage or stages of the Bill. His hon. and learned Friend the Attorney General of the late Government, on the night upon which the division took place upon the Local Militia Bill, had introduced the present measure; but feeling that after what had occurred there would be a natural impatience on the part of the House if it were then called upon to listen to any statement, however clear and interesting, and however important the subject, he merely introduced the Bill, and it was read a first time without any observation being made. The Bill stood for a second reading on that day fortnight; but he (the Attorney General) did not feel that, as it was a Bill introduced by the late Government, it would be becoming in him to take it out of the hands of those who had introduced it, without an invitation being given to him for that purpose. But on application being made by the right hon. Gentleman the late Secretary of State for the Home Department (Sir George Grey), that the present Government should take charge of the Bill, he (the Attorney General) intimated his readiness to do so, and he proposed to postpone the second reading to that day. A suggestion was, however, made, that the Bill had better be read a second time *pro formâ*, and rather hastily and unguardedly he had adopted that suggestion. He was not aware at the time that the Bill had not been printed, and as the Bill had been read a second time under those circumstances, he owed an apology to the House for having allowed it to go to that stage without a statement of the objects and scope of the Bill being presented to the House. He felt bound to state that the whole origin and merit of this important measure were due to the late Government. Those who had turned their attention to this question—who knew the urgent necessity of a measure of this kind—who were aware of the vast importance of the subject, and the large amount of property that was to be affected by it—who knew the inquiries that had taken place at a vast expense to the country, year after year—the experiments that had been made in legislation, and the failures that had accompanied them—must feel that those who had been able to frame a measure which would accomplish the benefits they believed it was so desirable to attain, and avoid all the objections that had been urged against former measures, certainly were entitled to a large debt of gratitude from the country. Hon. Gentlemen who had turned their attention to this subject would be aware that the Bill dealt with a large amount of property, the annual income of the charities embraced in it being very nearly 1,500,000*l.*; and amongst those charities there were no less than 21,000 which had incomes of less than 20*l.* a year, and out of that number there were upwards of 13,000 that had incomes of less than 5*l.* a year. Now with regard to charities of this description, it was quite obvious that the machinery at present existing was wholly inapplicable to them. The Court of Chancery was the only tribunal which had the control and jurisdiction over charities; and it was impossible for any of those smaller charities to resort to that Court for any purpose whatever without having the whole of their property entirely absorbed. He admitted that with respect to largely endowed charities it was impossible to conceive a tribunal better calculated to carry into effect a system of control and administration than the Court of Chancery; but with respect to the smaller charities, they were really wholly unprotected, and they continued to be so, notwithstanding the repeated suggestions on the subject which had been reported to the House by Commissions which had been issued time after time, and at very considerable expense. In introducing a measure of this kind it was important the House should bear in mind what was the existing state of the law on the subject, and what were the evils which had arisen out of that state of the law, because then they would be better able to appreciate what was the remedy which was proposed to be applied to the grievances that exist. It was extraordinary that upon a subject of this immense importance, the law at the present day should mainly depend upon a statute that was passed so long ago as the reign of Queen Elizabeth, "The Statute of Charitable Trusts." Under that statute, the control over all charities was given to the Court of Chancery. That Court had power to issue a Commission to the bishop of a diocese and to other persons, empowering them to summon a jury of the county in which the property belonging to the charity was situate, to inquire into any abuses or malversations of trustees, and upon the inquisition of the jury to make reports for rectifying those abuses or malversations. That order was subject to an appeal to the Court of Chancery, and, in point of fact, all questions with regard to charities ended where they began—in that Court; and the Commissions of the description provided by the Act of Parliament had become practically obsolete, because, in point of fact, they were utterly useless. From that time down to 1786 nothing whatever was done in the way of legislation on the subject. He need hardly advert, by way of exception, to the Act of James I., which merely regulated charities for binding poor boys as apprentices. In the year 1786, the Act commonly called Gilbert's Act was passed, which required the minister, churchwardens, and overseers of every parish to make returns to Parliament of all the charities existing within the parish; and under that Act returns were made of charitable property to the extent annually of 200,000*l.* or 300,000*l.* a year. The returns were of no great value, except as showing the extent of the charities. They gave no information as to the state of the charities, but they served as an index to different charities, and greatly assisted the Commissioners who were subsequently appointed. In 1812 an Act was passed, through the instrumentality of Sir Samuel Romilly—a name always to be mentioned with respect, especially in reference to reforms of the law—the object of which Act was to provide a summary remedy for correcting abuses in charities, by rendering it unnecessary to file an information in the Court of Chancery, and enabling parties to apply by petition. But, as had been well observed by a noble Friend of his, the word "summary" must be interpreted according to the glossary of the Court of Chancery; for although it might be cheaper and more expeditious to proceed by petition rather than by information, it was, with the costly machinery of the Court of Chancery, little adapted to the cases of the poorer charities. In the same year, 1812, another Act was passed, compelling returns to be made of the different existing charities throughout the country, and the amount of real and personal property belonging to them, and also provision was made in that Act for obtaining a return from charities that might be created after the Act. After that Act of Parliament, various returns were made as to existing charities, but, with regard to the charities subsequently erected, the Act was in point of fact a dead letter; moreover, it applied only to charities that were charged upon the land. Having given that sketch of the legislation on the subject down to 1812, he had informed the House of the whole state of the law in the year 1816, when a Committee was first appointed to make inquiries, not into charities in general, but with respect to the state of education of the lower orders of the metropolis. That Committee incidentally mentioned that, beside the abuses they found to exist in the educational charities, great negligence and malversation also existed in the management of other charities. In consequence of that report, in the year 1818 an Act of Parliament was passed, establishing a Commission of Inquiry into the condition of educational charities, which in the year 1819 was enlarged, giving the Commissioners power to extend their inquiries to all charities throughout England and Wales; and there having been in those Acts of 1818 and 1819 a power given to the Commissioners only to certify to the Crown, and to Parliament, in the year 1819 another Act was passed which empowered the Commissioners, where they saw the interference of the Court of Chancery was necessary, to certify to the Attorney General cases of abuse of trust in which they thought it was necessary he should interfere, and call the parties to account. Those Commissions were renewed from time to time by various Acts of Parliament down to the 1st of July, 1834, when the last Act was passed. The Commissioners made no less than 32 reports, which were contained in 37 folio volumes. Anybody who referred to those reports would find the fullest and most important information with regard to the charities. But it was very remarkable that so early as the year 1820, in one of the reports of the Commissioners, they pointed out distinctly the absence of any efficient jurisdiction with respect to small charities; and he (the Attorney General) must confess it appeared to him that one could hardly read that report without a feeling of shame that thirty-two years ago those evils having been distinctly pointed out to the attention of the Legislature as having existed from the very time of the establishment of those charities, such a period should have been allowed to elapse without the application of some effectual remedy. Nothing had been done up to the present moment, and the smaller charities remained precisely in the same state, utterly out of the protection of the law. Now, inasmuch as he knew there would be some opposition made, not to the general principle of the Bill, but requiring some exemptions to be made, he thought it important the House should understand precisely what were the exemptions that were made in the different Acts of Parliament to which he had adverted, between the years 1818 and 1834, when the last Act was passed. There were exemptions introduced into all the Acts in favour of the Universities, Collegiate and Cathedral Churches, some of the public schools, and with regard to charities where there was a special visitor; but from the year 1818 down to the year 1830 there was no exemption whatever with regard to the great London hospitals or any of the City companies. In 1830 an exemption was introduced in favour of the great London Hospitals; but in the year 1834, in the Act of Parliament that was passed re-establishing the Commission, that exemption which had been allowed to exist for four years, and four years only, was taken away; and if hon. Members would turn to the Act of 5 & 6 *Will.* IV. they would find no such exemption existing; yet he had been given to understand that such an exemption was to be strongly contended for on the present occasion, notwithstanding he believed that the withdrawal of that exemption was essential to promote a full investigation. Those great bodies were liable to all the injuries to which other charities were exposed; and he believed considerable benefits had arisen from the inquiries directed to those institutions, and that from the suggestions made to them reforms had taken place that were beneficial. He only used that circumstance in answer to the case that would be made on the part of the great London hospitals, and to show that the Legislature, having originally exempted them, had taken away that exemption, and exposed them to the inquiry that was applicable to all other charities. Independent of those various Commissions, a Committee of the House was appointed in the year 1835 for the purpose of examining and considering the evidence and the reports presented by the Commissioners, and the course that should be adopted to complete the inquiry relative to uninvestigated charities, and to report by what mode charitable funds might be most efficiently, promptly, and economically administered. That Committee made a Report of the greatest importance; and he would, with the permission of the House, read a portion of it, as showing what were the recommendations of that Committee, after careful deliberation on the subject. He would take the last head of the inquiry on which the Committee had reported their opinion, namely—the mode in which charitable funds might be most efficiently, promptly, and economically administered. The Report contained many recommendations of great interest, and when it was considered that the funds amounted to a million and more, it was evident that their proper management was a matter of national concern, and applied to a great extent to the education and comfort of the poor. In that Report the Committee expressed the following opinion:—

> "Your Committee are inclined to recommend that the superintendence, and in certain cases the administration, of all property devoted to charitable uses, should be entrusted to a permanent Board of three Commissioners, or some other independent authority, on whom should be imposed the duty of superintendence and control over the administration of all property devoted to charitable uses; that such Board should have authority to call for, from time to time, and to enforce, a return or an account of the annual funds and property of any charitable institution, and have power to summon before themselves, or other persons specially authorised by them, all parties concerned in the management or administration of any charitable institution or funds; in case of necessity to appoint, and, upon adequate cause clearly established, to remove, trustees; to take care that no sale, mortgage, or exchange of charity property be effected without their concurrence, and that all funds applicable to charitable purposes be invested upon real or Government security. . . . . . The Board to be empowered to suggest schemes for the government of all charities, and for the management of all estates and funds belonging to such charities, and to correct any abuses therein, subject to the like concurrence in cases where there are special visitors."

He had considered it important to call the attention of the House to the statements contained in this Report, because the framers of the Bill had adopted the recommendations made by the Committee so long ago as 1835. The House must not suppose that these Commissions were utterly fruitless. Inquiries were carried on at a large expense to the country, amounting to very near 300,000*l.*; but the Commissioners, in the course of their labours, recommended certain cases of abuses of trusts to the notice of the Attorney General—he believed there were no less than 386 cases which were so certified by the Commissioners. In a great number of them the Attorney General proceeded against the parties; and the result of those suits—some of them being carried to an ultimate determination—some of them being compromised—some parties having submitted without any suit being instituted at all—the result was, that great benefits were conferred on the charities by means of those proceedings—funds were recovered to the amount of upwards of 600,000*l.* and schemes were established in respect to grammar and other schools, the income of which amounted to 28,000*l.* Although the Commission had expired in July, 1837, let it not be considered that nothing had been since done to correct abuses of trusts or the maladministration of charities. The country had not been largely taxed upon the subject, and an erroneous opinion seemed to prevail concerning it. He believed that, with very considerable benefit to a number of charities in the kingdom, the amount of expense to the country had not been more than 1,000*l.* a year, a great part of which was returned by means of the costs obtained from the parties against whom they had proceeded. But undoubtedly, the Commission having expired in July, 1837, it was a matter of astonishment that this state of things which was described so forcibly in all the Reports of the Commissioners, and in the Report of the Committee, should be allowed to exist, and that no attempt whatever should be made to legislate on the subject from the year 1837 down to the year 1844. In the year 1844 a Bill was introduced into the House of Lords by Lord Lyndhurst, then Lord Chancellor, for the purpose of establishing a jurisdiction in cases of small charities. That Bill was read a second time in the House of Lords in that Session, and then was dropped. In the year 1845 a similar Bill was introduced by Lord Lyndhurst, read a third time, came down to that House late in the Session, was read a first time, and then dropped. In the year 1846 another Bill was introduced by Lord Lyndhurst. After very considerable discussion, and being exposed to great opposition, the result was, that on the second reading of the Bill it was thrown out by a majority of two in the House of Lords. It was not unimportant that the House should understand the nature of the Bills that had been introduced by Lord Lyndhurst. In these Bills he adopted generally the recommendations of the Committee, as to establishing a Board not merely of advice, assistance, and supervision, but of absolute jurisdiction over charities of a small amount. The charities to which the rule extended were various in the different Bills. In the first Bill the blanks were not filled up; in the second Bill it was proposed to extend its operation to charities under 50*l.*; and in the third Bill the jurisdiction was enlarged to charities with incomes of not more than 100*l.* The Commissioners were to be entrusted with large and ample jurisdiction over these charities. They were empowered to make schemes, change trusts, even to alter the destination of the charities, and where in their judgment the intentions of the founder could not be beneficially carried out, they had power to substitute some other objects. Both Lord Cottenham and Lord Campbell strongly objected to such arbitrary and despotic powers, as they described them to be, given to a secret and irresponsible tribunal. There were powers, also, in all those Bills of imposing a tax upon the charities, for the purpose of supporting the establishment of the Board. In the first Bill of 1844, the amount proposed was 3*d.* in the pound; in the second Bill it was raised to 6*d.*; and in the third Bill, there being a general jurisdiction given, in addition to the jurisdiction given over the smaller charities, which enabled them to call the larger charities to account, a tax was proposed of 3*d.* in the pound on the smaller charities, 1½*d.* in the pound on the larger charities; thus adjusting the tax in proportion to the benefits which it was anticipated the different descriptions of charities would derive from its establishment. This Bill, however, found no favour with the House of Lords, and the result was what he had stated. A change of Government took place in the year 1846, and Lord Cottenham became Lord Chancellor. Lord Cottenham had unfortunately offered a fierce and resolute opposition to that portion of the Bill of Lord Lyndhurst which provided for the establishment of a Board, and therefore it was hardly possible for Lord Cottenham, however disposed to legislate on the subject, to introduce any measure of a similar description. That noble and learned Lord introduced Bills on the subject in the years 1847, 1848, and 1849; and a Bill similar to those measures was introduced into that House by the right hon. and learned Gentleman the Master of the Rolls in the year 1850. These Bills were all of a similar character, and got rid altogether of the Board; but they established a difference between charities of different amounts. Where charities existed with an income of less than 30*l.*, the Judges of the County Courts were empowered to exercise jurisdiction over them; and in those whose incomes were between 30*l.* and 100*l.* a Master in Chancery was enabled to do all that in the case of the larger charities the Court of Chancery might do. An appeal was given from the decision of the Master in Chancery; and with respect to appeals from the decision of the Judges of the County Courts, they were only to be permitted with the sanction of the Judges themselves. His right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) opposed the Bill of 1850, considering that the Judges of the County Courts were not likely to be competent to execute the duties that were imposed on them; and he more particularly objected that they should have the absolute power, without any check except that which was afforded by appeal which had been sanctioned by themselves. However, notwithstanding the opposition of his right hon. Friend, and that of the present Vice-

Chancellor Turner, the Bill was read a third time. It went up to the House of Lords; but on the 5th of August it was withdrawn. In the mean time a new Commission had been established for the purpose of making inquiry into those cases of charities which had not been certified to the Attorney General. That Commission, he thought, was issued in 1849. They were Commissioners appointed to inquire into those cases which were investigated by and reported upon the Charity Commission, but not certified to the Attorney General, and to report what proceedings, if any, should be taken thereupon. On the 29th June, 1850, that Commission made their first Report, in which they said that in addition to the information communicated in answer to their inquiries, they had received numerous complaints of maladministration, and in other instances their advice had been asked by parties desirous of correcting defects of irregularity; and from those several sources of information it was made evident that the evils and abuses pointed out by former Commissions and Committees of Parliament were still in existence to a very wide extent, and that no sufficient remedy had as yet been provided for their correction. They stated that in order to apply an effectual remedy to those various abuses, it was necessary to create by legislative enactment some public permanent authority, which should be charged with the duty of supervising the administration of those charitable trusts. In the second Report of that same Commission they said they had continued to prosecute their inquiries into charities, and had selected thirteen cases which they recommended to be laid before the Attorney General, in order that he might deal with them in such a manner as he might think necessary; and they repeated, what they had already stated, that some legislative measure was necessary to secure the due administration of charitable trusts, and said that they had, by the sanction of the Secretary of State for the Home Department, prepared a Bill for facilitating and better securing the due administration of the charities in England and Wales, which they had submitted to the consideration of the House. Now, the Bill which was so prepared was, in point of fact, the Bill which was now presented to the House. It was brought into the House of Lords in 1851, where it was received with almost unanimous approbation so far as its principles were concerned; there was merely an application on the part of a noble Duke to introduce some exemptions with regard to the great London hospitals, which proposition was negatived. The Bill was read a third time; but it came down to the House of Commons at so late a period of the Session that it shared the fate of all its predecessors: there was no time to pass it; and therefore there was yet no law for the correction of those abuses which were admitted to exist, or to prevent the recurrence of those abuses which had occurred from time to time. He (the Attorney General) feared that he had trespassed too long on the attention of the House in making this detailed statement; but he thought it most important that the House should be fully alive to all the difficulties that surrounded the subject, to the greatness of the interests involved in it, and to the objections which had from time to time been urged, in order that they might be able to appreciate the value of this Bill, and to understand the mode in which those various objections were now met, and, as he trusted the House would consider, completely overcome. The general character of the Bill was this. Adopting the recommendations of the Committee of 1839, and following out the precedent of the Bills of Lord Lyndhurst in 1844, 1845, and 1846, it was proposed to establish a Board which was to consist of five Commissioners, two of whom were to be paid. Whether those two would be sufficient or not would be a matter for the anxious and attentive consideration of the House. A power was proposed to be reserved, supposing the Commissioners to be found insufficient, for the Lord Chancellor to appoint a third paid Commissioner; but his (the Attorney General's) belief was, that when the Board was first established, their labours would be so considerable, to bring matters into train, and to establish a general system applicable to all the charities throughout the kingdom, that it would be found the proposed number of two would be insufficient. He merely threw that out for the consideration of the House. It was a matter of very great importance, because he thought it would not be desirable that this experiment—for such it would be at the first—for want of sufficient strength in those appointed to the duty of carrying it out, should turn out to be a failure. The proposed Board was not to be invested with any jurisdiction over the charities at all. It was to be a Board for the purpose of supervision, of control, and of advice. It was proposed that no suit or proceeding should be instituted with respect to any breach of trust, or to any matter connected with those charities, without the consent of the Commissioners who formed the Board. The object of that, and the effect of it, would be to prevent a number of suits which had unfortunately from time to time been brought, notwithstanding the check and control of the Attorney General, by parties in the character of relators merely for the purpose of costs; and it was a check which would be infinitely more beneficial in the case of the large charities than that of the smaller ones, for the large charities were the more likely to tempt the cupidity of speculators, since they would have the better chance of obtaining the costs in the event of a decision in their favour. With respect to charities with an income under 30*l.*, it was proposed to give jurisdiction to the County Court, or to the District Courts of Bankruptcy; and as to charities with an income between 30*l.* and 100*l.*, to give jurisdiction to the Masters in Chancery; not, however, compelling the parties, as now, to go with a petition to the Court before they could be sent to the Master, but enabling them simply to carry in a state of facts to the Master, and to have his decision on the matter. There was also a provision, on which he laid great stress, for enabling trustees and persons interested in charities to obtain the advice of the Commissioners of the Board as to their proceedings under the trust: and it was proposed to render those persons who resorted to the Commissioners for their advice safe in acting under it, by giving them an indemnity for their acts, although there might be an ultimate decision of a Court of competent jurisdiction on the subject, and although that Court might decide that the Commissioners had taken an erroneous view of the course that ought to have been adopted. The Commissioners would have power to send questions relating to charities under 30*l.* a year either to the County Courts or to the District Courts of Bankruptcy; and they had power also, or it was proposed they should have power, to interpose to stay any proceedings which they thought were improperly conducted. At the same time, in order to provide a check against any improper interference on the part of the Commissioners, they were to have no control at all over the Attorney General, and when he thought proper to proceed *ex officio* no certificate of the Commissioners was to be necessary before any suit could be instituted either in the County Court or the District Court of Bankruptcy, or any proceedings before the Master or before the Lord Chancellor. He (the Attorney General) thought the system which was proposed by the present Bill would obviate some of the objections which had been urged against former measures. In the first place, the Commissioners would be strictly a Board, and would not be a Court. They would have a power to advise, and of directing proceedings to be taken; they would have a power of ordering the Court in which those proceedings were to be instituted, subject of course to the limitations he had already mentioned; and they would also have this power, which might operate as a salutary check on the decisions of the County Court Judges, that if they were dissatisfied they might remove the case from the County Court, and might direct it to be carried before the Master or the Lord Chancellor. Now, he thought his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) would be of opinion that that would remove the objection which he raised in the case of the Bill of 1850, to the absolute and uncontrolled power given to the Judges of the County Courts. There was one part of the Bill on which, from what he had heard, he expected very considerable opposition: he meant that which proposed to tax the charities indiscriminately, from 10*l.* or upwards, with the amount of 2*d.* in the pound, providing at the same time that no charity should pay a larger amount than 50*l.* It had been estimated that that would raise a sum of 8,500*l.*, which would probably be sufficient for the maintenance of the Board of Commissioners and the staff which would be necessary for carrying out the objects of the Bill. He had heard it said, that with regard to the small charities, this Bill was absolutely essential; they would otherwise have no protection, and that, therefore, it was perfectly right that they should be called on to pay for the great benefits they would derive from this measure; but with respect to the larger charities, it was said the means which they had to remedy any abuses which might exist—if abuses did exist, which was stoutly denied—would remain precisely the same, and that, therefore, they derived no advantage from the machinery provided in this Bill. He must confess that this appeared to him to be a very great misapprehension, and he was sure a little consideration would convince those who were interested on behalf of those charities, that they would at least derive a benefit from this measure commensurate with the rate it was proposed to impose on them. In the first place, they would find provision was made by which the necessity of resorting to Parliament for Bills to accomplish various objects absolutely necessary under the existing state of the law, would be entirely removed by the measure it was proposed to introduce. He had before him a short time ago a list of the various Private Bills which had been applied for during the present century from 1800 to 1850, and he found there were no less than 135 Private Bills which had been passed for various objects which could not be carried out without the intervention of the Legislature in different charities. The average cost of each of those Private Bills was estimated at 600*l.*, so that there had been no less a sum than 81,000*l.* spent on them during the last fifty years; and he found that among the Bills which had been applied for, the Hospital of St. Bartholomew had applied for three, and the Hospital of St. Thomas for three, not to mention others of the great London hospitals. Now, if this Bill only prevented the necessity of their applying at such enormous expense to accomplish objects which were desirable for the purposes of the charity, he should venture to submit to their consideration whether they would not admit that the benefit to them would be very considerable, and whether it would be reasonable to object to the payment of 50*l.* a year to get rid of what might indeed be a contingency, but which might again happen as it had done before, entailing on them costs to a large amount. Was it nothing to them that there was a Board established to which they might resort in any case of difficulty or doubt as to the extent of their powers, and whether it would be expedient to exercise them? Would it be said that those great bodies were so entirely free from any liability to difficulties of that kind, that this machinery, which was so carefully provided to extend its protection over all the charities throughout the kingdom, should not be applicable to them? This brought him to the exemptions of various kinds which he was aware would be called for by various parties, but the introduction of which, in his opinion, would go far to disable a Bill of this kind. The exemptions at present proposed were these: The Universities, which had been always exempted, cathedral and collegiate churches, the British Museum, and institutions which were supported wholly by voluntary contributions. Now, on former occasions—he thought in some of the Acts establishing the Commission—institutions which were supported principally by charitable contributions were exempted from their operation; and in 1846, upon some application which was made, Lord Lyndhurst proposed to introduce into his Bill a proposition to that effect; on which Lord Cottenham said it would be fatal to the Bill, because every charity, by merely obtaining a small subscription, would immediately remove itself entirely from the operation of the Bill. They had, therefore, endeavoured to avoid any objection of that kind; and it was stated in the exemption clause that where institutions were supported partly by charitable contributions and partly by endowment, that portion of the funds which arose from charitable contributions should not be liable to the supervision of the Board; but that which depended upon endowment should, like all other endowments, be liable to its supervision. With respect to the exemption of the great London Hospitals from the Bill, he believed such Hospitals were never exempted before except from 1840 to 1844. They were not exempted by Lord Cottenham in the Bill of 1847; they were not exempted in the Bill of 1848, nor in that of 1849. He believed that in 1850 the Master of the Rolls, feeling the importance of passing the Bill then before the House, and that it was essential that some jurisdiction should be established for the administration of the smaller charities, yielded to an application that was made to him, and introduced an alteration into that Bill which he (the Attorney General) thought would be contrary to the principle of the present measure, and which, notwithstanding the pressing appeal that was made in a statement which no doubt was in the hands of most hon. Members, he should feel it his duty most strenuously to resist. He did not know whether it would be necessary for him to enter into a more lengthened detail of the provisions of this most important measure. His object in doing so was, that when they went into Committee hon. Members might be alive to all the details of the Bill, and might be prepared for any objection that might be urged, and for the reasons that would be offered to them in support of its different provisions; and he must confess he did look with considerable anxiety to the result of the investigation to which the Bill would be submitted in its passage through the Committee. Everybody admitted the necessity for legislation; it had been called for repeatedly, and year after year all the objections which existed in the present system had been pointed out in the most forcible language; all the abuses which prevailed had been over and over again brought to the attention of the House; repeatedly had they been asked to interfere for the protection of charities, many of which, he believed, had been annihilated in consequence of there being no protection at all; and if after all the various attempts that had been made, and the failures that had taken place, this measure, which had been prepared with the utmost care with reference to every suggestion that had ever been made on the subject, with regard to the necessities of almost every case, and with respect to the objections which had been at different times urged against various provisions; if, after all that, this measure should fail like its predecessors, he (the Attorney General) should utterly despair of ever being able to carry through Parliament any Bill whatever for the administration of charitable trusts. He must also say that when the urgent necessity for legislation had been admitted year after year, it would be a reproach to the House of Commons if they were to lose this, which he might almost say was the last opportunity that might present itself of passing a measure which had been framed to meet every case, and to answer almost every objection, and which would undoubtedly be of the utmost benefit to the country.

SIR ALEXANDER COCKBURN said, he should certainly give the hon. and learned Attorney General every assistance in his power towards passing the Bill. When it was recollected that the annual revenue of the charities of this country was a million and a half, which, at twenty-six years' purchase, gave a gross value of forty millions, everybody must be impressed with the importance of legislating on proper principles for interests so large. Considering the nature of the property, and the mode of its administration, no one could wonder at the fact, which was beyond contradiction, that the grossest abuses had prevailed in the disposition of the funds of these charities. For the most part, it had been bestowed by donors about to quit the world, for the benefit of poor persons, who had no means of asserting or enforcing their rights; so that there was no wonder that abuses had sprung up. A vast deal of it had been left in trust to municipal corporations, who had abused those trusts in an eminent degree. In many cases, local jobbing had absorbed the charity funds, and diverted them from the channels to which the donors had intended them to flow. Some idea might be formed of the nature and extent of those abuses, when it was known that, since the attention of the Legislature had been directed to the subject, upwards of 650,000*l.* had been recovered from corporations and individuals who had abused the trust confided in them. The case of the Hospital of St. Cross, at Winchester, was one of the most prominent of the manner in which the munificence of the founder had been abused and made subservient to individual and selfish purposes. That charity, one of the noblest in England—whose income would shortly amount to not less than 10,000*l.* per annum, and in twenty or thirty years would probably far exceed that amount—was founded by William of Rohan, the brother of King Stephen, and Bishop of Winchester. When William of Wykeham succeeded to the see of Winchester, he found that the Master had abused his trust; and after a lengthened inquiry, the charity was at last put on a proper footing. Five hundred years elapsed, and the same charity was again brought under the notice of the House, and a Commission was appointed to inquire into its affairs; and it then turned out that the son of the late Bishop of Winchester, being then Master of that Hospital, had followed in the steps of his predecessor. He had applied to his own purpose all the fines received on the renewal of leases, the whole had fallen into decay; the recipients of the charity had gone; and it had been made entirely subservient to individual purposes. He was happy to say a suit had been instituted, and, before long, he hoped that that noble institution would be made applicable to the higher order of charity for which it was intended by the institution of the founder. At present all charities were subject to the jurisdiction of the Court of Chancery, which could only be put in motion by the Attorney General. But with his other occupations, it was impossible for the Attorney General to exercise an effective supervision over all the charities of the empire; all he could do was to cause proceedings to be taken where gross abuses were brought to light, or to allow his name to be used by relators when abuses were alleged to exist. In many instances abuses were not brought to his knowledge, and in others he was induced to sanction suits which turned out to be brought merely to put costs into the pockets of the relators. It was quite clear, therefore, that the existing jurisdiction of the Attorney General was wholly inadequate to meet the evil. Of the charities now existing in England, no less than 18,000 did not exceed 10*l.* per annum each, their aggregate income being nearly 60,000*l.* With regard to those, it was clear that an appeal to the Court of Chancery involved an amount of expense which they were utterly unable to bear. The present Bill provided a remedy for this, for it would enable the Commissioners to put the County Courts or the Courts of Bankruptcy in motion, so that the charities might be regulated with an amount of expense not disproportionate to their income. There was another important provision in the Bill, which was, that the Commissioners were to be tribunals in a certain sense, standing between the charities and those interested in them, and the Courts of Law. In many instances, abuses had grown up in consequence of the ignorance of trustees as to the history and affairs of their trusts, or of their powers and duties as trustees. A little guidance would have kept them right; they only required to be advised or warned. The Commissioners to be appointed under this Bill would occupy such a position that they could give proper directions in all matters affecting the charities. The Commissioners would be placed in such a position that they could exercise watchful superintendence and efficient control, while they would not be put in possession of any inquisitorial or arbitrary powers, nor was it intended to invest them with any judicial functions. They would be put in motion where necessary, and repress litigation where it was resorted to for selfish purposes. He believed the provisions of the Bill were calculated to repress abuses, and that, when they became law, they would have the effect of rendering the great charities of the country still more useful and efficient.

Mr. Alderman THOMPSON felt the disadvantageous position in which he stood in opposing this Bill, which had the advantages of the support of Her Majesty's Attorney General and of the late Attorney General, and who had preceded him in this debate. He was aware of the great amount of property involved, the abuses that existed in certain endowed charities, and the necessity of some more efficient control over them. But there was a wide difference between charitable foundations endowed in former ages, and the management of which was now intrusted to irresponsible individuals, and those which were in great part supported by the contributions of benevolent persons in the present day. He desired to see exceptions made in favour of those institutions which were supported by voluntary subscriptions, or many most useful institutions for the poor would cease to exist. He had no personal interest in opposing this Bill; but he had for many years taken a deep interest in the welfare and management of one of these great institutions. He alluded to Christ's Hospital, an institution deriving an income of 10,000*l.* a year from the munificence of private individuals, and which was managed by governors now living who had contributed not less than 200,000*l.* to its funds. Now, he asked whether it was just right under these circumstances that the affairs of Christ's Hospital were to be managed by the governors of the institution, or whether the management was to be taken out of their hands and transferred to the Commissioners under this Bill? In the latter event he felt confident that the revenue, or a great part of the revenue, now enjoyed by the institution, would very shortly disappear. There were 500 governors, every one of whom was summoned from eight to ten times a year to attend the business of the hospital. There was a committee of management, consisting of forty-eight individuals, elected by the governors annually, and there were twelve auditors elected by the subscribers, who audited and published the accounts *in extenso*, and sent a copy to every governor. With such a government what need could there be for the interference proposed by this Bill? It was not the paltry 50*l.* a year that Christ's Hospital would contribute to the general fund that he cared about; but the great majority of those benevolent individuals who now took a lively interest in its affairs, would be disgusted at the interference of the Commissioners, and would no longer feel the same interest in the management of the institution. Christ's Hospital clothed, maintained, and educated 1,400 children —the children of poor clergymen with large families, of half-pay officers in Her Majesty's Army and Navy, and the orphans of officers who had fallen in the defence of their country. He denied that any objection was made on the part of the Royal Hospitals to the most searching inquiry by the Commissioners. For more than twelve months they had been employed examining into Christchurch Hospital, and they published their report in 300 folio pages. No cases of bad management, or of abuse of any kind, had ever been urged against Christ's Hospital; and the only recommendation even suggested by the Commissioners was, that the 500*l.* qualification of governors should be increased to 900*l.*—a proposition to which he was decidedly opposed, because it would make that great public institution too exclusive. With regard to the other Hospitals—St. Bartholomew's, Bethle'm, and St. Thomas's—they were also managed by committees who met once in the fortnight, and whose proceedings were submitted in every particular to the court of governors, so that they could not appropriate 10*l.* without its being investigated and sanctioned. These institutions were the pride of the inhabitants of London, and the wonder of foreigners, who were utterly astonished when told that they were supported by voluntary contributions. In the Bills which had been brought forward in 1848, 1849, and 1850, a clause was inserted, excluding from their operation those charitable institutions which were supported by voluntary subscriptions, and the affairs of which were managed by persons elected to the office by the subscribers themselves. If a similar clause were introduced into the present Bill, he would have no objection to it, as he considered that some control was necessary over the small endowed charities where the trustees were self-elected; but he was satisfied that if all charitable institutions were indiscriminately subjected to the provisions of the Bill, it would go far to stop the stream of charity in this country. He thought, at the same time, that the expenses of the Commission, instead of being drawn from charities in the way of a rate, should be paid out of the Consolidated Fund. He did not see how it could be possible that a great and important measure like this could be properly considered in a Committee of the whole House. In his opinion the Bill ought to be referred to the searching and deliberate inquiry of a Committee upstairs, and he would, therefore, move, as an amendment, that the Bill be referred to a Select Committee.

SIR ROBERT H. INGLIS seconded the Amendment. He did not deny that some legislation was necessary on this subject; but the evil of this Bill was that it would punish those who were unblamed and blameless; for every person who knew anything of the charitable institutions of this country knew that very few gentlemen would be found to work gratuitously as the trustees and managers of the Royal Hospitals, or of the voluntary charitable institutions of this metropolis, if they found not only that their accounts were to be open to the inspection of paid Commissioners, but that these Commissioners would have the power of summoning them at their pleasure, and of inflicting a penalty upon them for non-attendance. How far they might be right in the case of any one receiving pay for his services, it was not necessary to inquire; but here the power was to be exercised over men of the highest character, who rendered gratuitous services in these hospitals, day by day, and hour by hour, in the cause of Christian charity. He had presented a petition the other day from the Committee of the Royal Literary Fund, praying that that institution should be exempt from the operation of the Bill. The ground of exemption they set forth was this—that the Literary Fund was an institution incorporated for the purpose of relieving the distress of literary men, who, from the nature of their minds and occupations, were peculiarly sensitive and susceptible. It was considered a sacred duty on the part of those who administered that Fund not to communicate the name of any person relieved by the society. But if this Bill became law, and were made applicable to that corporation, the recipients of this Fund would have their distress made known as publicly as those who entered the union workhouse. The object which the hon. and learned Gentleman stated he had in view in not granting the exception now asked for was, that he could not otherwise find the means of inquiring into the abuses of the small charities. Was not this punishing the innocent in order to amend the guilty? And though the amount to be raised upon the income of the greater hospitals, for instance, was not to exceed 50*l.*, yet he begged the House to recollect that even this sum excluded two patients annually and permanently from relief in each of these hospitals; and the entire cost of the Commission, as proposed by the Bill, was not so great that the Chancellor of the Exchequer would say that the Consolidated

Fund could not afford it. It should be recollected that all the gentlemen who administered the funds of our great institutions, not only received no salaries, but the majority of them were large contributors to those funds. He thought that it would be better to pay the expense of the inquiry into the management of the funds of our charitable institutions from the Imperial purse, than to attempt to provide against the misconduct of trustees by a process so objectionable as this. If the amount were even double, he did not believe that the veteran economist of that House, who was then not in his place (Mr. Hume), would grudge it when the effect of a refusal would be to dry up the sources of private benevolence; for men would not be found to give their aid and their time to these charities if they were compelled to give an account of their own gratuitous stewardship to paid Commissioners. The hon. Gentleman who had just spoken told the House that living governors contributed the enormous sum of 200,000*l.* to one of these charities. He knew one governor (the late Mr. Hunt) who had bequeathed a sum of nearly 200,000*l.* to Guy's Hospital, from his confidence in the administration of that hospital. He had heard also of the case of a governor still living who had given 12,000*l.*, and he knew another who intended to leave 5,000*l.* to one of the Royal Hospitals, but who had refrained from doing so till he learned whether those institutions were or were not to be exempted from the operation of this measure. The great charities of the metropolis were administered by men who themselves contributed so largely to the funds, that in the case of Christ's Hospital, they might almost be said to administer their own donations. There was no breach of trust charged against these charities; and the measure as proposed by the late Government could very well be carried out without depriving those who administered the charities of London of all personal interest in those great establishments. He hoped, therefore, that they might be exempted, and that they would not interfere with the healthy self-working of these great public institutions. He trusted that the hon. and learned Gentleman would reconsider that part of the Bill, and not drive them to the necessity of opposing the Bill *in toto*, for he admitted the necessity of legislation with regard to the small charities.

Amendment proposed, to leave out the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Question, "That the words proposed to be left out stand part of the Question."

Mr. Alderman SIDNEY regretted he could not concur in the Amendment. His hon. Friend said that Christ's Hospital was managed with great assiduity. He admitted that such was the case now, but was it always the case? [Mr. Alderman Thompson: Yes.] He would show that it was not always the case. Not many years since an order was passed by the board of governors not to admit any boy whose friends had property exceeding a fixed amount, namely, 300*l.* The hospital was founded by Edward VI., for the education of the poor children of the City of London; but until comparatively few years ago, the sons of noblemen had been brought up within its walls; and there were many now in the hospital who were the children neither of the poor nor the indigent. He would fully admit the excellence of the present management; but what security had they that that good management would be perpetuated? He had had experience of a great many of the charities of the City of London, and they did certainly not in the aggregate carry out the intentions of the donors; and if Christ's Hospital were exempted from the operation of the Bill, the same indulgence must be extended to many others. The two Royal Hospitals of St. Bartholomew and St. Thomas certainly did an immense amount of good; but he could not forget that not many years ago St. Thomas's and Bridewell Hospitals were greatly inconvenienced by the defalcations of their treasurers. Again, the present hospital of Bridewell had very little extended its usefulness during the last 150 years, although its revenues had been tripled. It was founded by Edward VI. for the reception of idle disorderly persons, and of poor children, for the purpose of teaching them a trade; and, he would ask, whether the munificent intentions of that young but benevolent Monarch had been carried out *pari passu* with the wants of the present metropolis? Surely there were plenty of the sort of persons in London whom the establishment was intended to benefit; but the governors of the charity knew that it would be useless to put forth any appeal to the public while the present system of management was continued. Those who were disposed to give to those charities would feel yet more so when they knew that the objects contemplated would be properly carried out; and therefore he could not help thinking that it was rather a feeling of false pride on the part of Christ's Hospital that had dictated their opposition to the Bill. He never could see what disadvantage it would be to any charity to have a proper inquiry into the manner in which its trust was discharged. His great objection was against Clause 85, which exempted the universities from the operation of the Bill. He knew not why they should be exempt; but he knew that there were several great charities connected with the Church of England, the objects of which were not legitimately carried out. There were many grammar schools and other trusts connected with the Church, which did not do anything like the amount of good which they ought; and, if he might judge by the charities with which he was connected, he should certainly ask hon. Gentlemen to pause ere they threw any obstacles in the way of this admirable Bill. Surely if the distinguished and benevolent individuals in the other House had not objected to the proposed inquiry, they of the House of Commons need not be so sensitive. It might not be generally known that in the time of George II. an Act was passed to enable either of the Lord Chief Justices or the Lord Chief Barons, with a number of the magistrates, to form a court of inquiry into benefactions for poor prisoners. That clause was embodied in an Act of George IV.; but he (Mr. Alderman Sidney) believed that it had never been put into operation till the 18th of February last. On that occassion the Lord Chief Baron and three aldermen formed a court of inquiry into the City prisons. The charities to the City prisoners had amounted two years ago to 700*l.*; but the very rumour of an inquiry had increased that sum the year after to 1,100*l.*, and last year to between 1,400*l.* and 1,500*l.* It appeared that there were in the City of London no fewer than 1,224 endowed charities, independent of the Royal Hospitals. Out of that number they had already mede a partial inquiry into 53 connected with the City prisons, and a further inquiry was to take place into 30 more. The first that came under their notice was Ashton's Charity. The board of governors was the most honourable that could be conceived, comprising, as it did, the Chairman of the Bank of England, Sir Robert Inglis, the Rector of Dunstable, Dean Elliot, of Bristol, and other gentlemen. The charity was bequeathed in 1727, when Mrs. Ashton left the sum of 100*l.* a year to be paid (after deducting 5*l.* per annum for the expenses of the trust) to the poor prisoners within the City of London. From that time to the present year, the trust had not been complied with; and if they calculated 125 years at 95*l.* a year, with interest at 3 per cent, it would amount to the astonishing sum of 100,000*l.* That estate was still in existence, and the governors had some thousands of pounds in hand, as was proved before the Lord Chief Baron. Again, the Merchant Tailors' Company had no fewer than seven charities for the release of poor prisoners. For the last ten years the annual amount paid by the Company had not exceeded 40*l.*; but the Company's clerk, Mr. Fisher, deposed on oath before the Lord Chief Baron, that in 1850 a scheme had been sanctioned by the Lord Chancellor for the consolidation of three of the trusts; and that notice had been sent to the parties in prison, but that they did not appear. That scheme was entirely unknown to the City Solicitor; but the Company was willing to admit that they had 2,291*l.* 5*s.* 2*d.* in the funds, and an annual rental of 259*l.* belonging to the City prisoners. The scheme agreed to was therefore that, instead of 40*l.*, they should pay 300*l.* a year. When hon. Gentlemen heard that such had been some of the fruits of so partial an inquiry, he would ask whether they were prepared to object to so excellent a Bill as that before them?

Mr. Alderman THOMPSON said, he could not allow one observation made by the hon. Member (Mr. Alderman Sidney) to pass without explanation—namely, that it had been the practice to admit the sons of noblemen on the books of Christ's Hospital. He (Mr. Alderman Thompson) was aware of only one instance of such an occurrence, in the case of a grandson of the great Lord Rodney, who was an orphan, and had been admitted on special grounds.

Sir ROBERT H. INGLIS had no right again to address the House; but, as his name had been introduced by the worthy Alderman (Mr. Alderman Sidney) who had lately risen, he threw himself on their indulgence while he explained the case so far as he knew it. It was said that no respectability of names in the apparent government of a Charity constituted any real security for the faithful discharge of the original trust; and, as an instance, Ashton's Charity was quoted; and the names of the Governor of the Bank, of Sir Edward Ryan, and of himself, were announced as the trustees, while it was stated that the testatrix had, nearly a hundred and thirty years ago, directed that 95*l.* should annually be laid out in releasing poor prisoners from the City gaols, whereas no such money had ever been paid; and the aggregate they kept back amounted at compound interest to 100,000*l.*; and all this while respectable persons professed to discharge the duties of the trust. He had no reason whatever to admit the accuracy of the allegations, so far as related to the earlier administration of the charity; but whether they were unfounded, or whether they were exaggerated, that, at all events, he knew, that he himself and the two other gentlemen whose names had been mentioned had nothing whatever to do with that earlier administration. Three or four years ago, the Attorney General of the day stated to him in this House, that arrangements were in progress in Chancery for a new scheme for a charity called the Ashton Trust; and he did him the honour to ask whether he would allow his name to be inserted in the scheme as one of the trustees to be submitted to the Lord Chancellor. He (Sir R. H. Inglis) asked, in return, who were to be his colleagues, and who was the solicitor; and, feeling the value of a compliment thus unsought and unexpected, accepted the office. But the proceedings in Chancery incident to this renewal of the trust were even yet scarcely completed. It was necessary, last year, to have the sanction of the Master to some alterations of the prisons named in the will. Two or three, Ludgate and the Compters, had been abolished since the date of the will, and the Master had already substituted the Queen's Bench. But it was likewise suggested to the Master that the sum of 5*l.*, which had been expressly limited by the testatrix as the amount of debt to be relieved, beyond which her benefaction was not to extend, might be enlarged to 15*l.*, as more equal to the measure of her intentions. This had been granted by the Court of Chancery; and in the present year the new trustees would, he hoped, be enabled to exercise their powers. He thanked the House for their indulgence in listening to him when he had no right to address them.

Sir WILLIAM PAGE WOOD said, at that late hour he would not have risen to take any part in the discussion, were it not that he was anxious to allay those apprehensions which appeared to be entertained by the hon. Alderman with respect to Christ's Hospital. The hon. Alderman seemed to suppose that, by the appointment of Commissioners, there was to be some control over the charity funds, which, as he said, and he (Sir W. P. Wood) believed correctly said, were so admirably exercised. By the Bill, the different charities were simply required every year to submit a statement of their accounts to the Commissioners; those accounts came before the Commissioners, who had the power, if they thought fit, of examining the different accounts of each charity—they had no power or control whatever, but simply the power to examine and report upon those accounts. The Commissioners, in fact, were simply a medium—and he (Sir W. P. Wood) thought a most beneficial one—between the charities and the Court of Chancery, in order to save the expense, which was always considerable, whether the parties came into Court in a friendly suit to administer a trust, or to contest a hostile suit. Another advantage which the Bill would confer on the charities was the power it would give of granting building leases without going to Parliament; for a few years ago the governors of Christ's Hospital had to obtain an Act for that purpose, and that Act could not have cost less than 500*l.* or 600*l.*, every farthing of which would be saved by this Bill. The governors of Christ's Hospital ought to be the last people in the world to complain of the Charity Commissioners, for it was by their means that the Hospital had obtained a large endowment from the Reading Charity; it was the ulterior provision of a will that if certain trusts were mal-administered by the Corporation of Reading, the benefit of the trust should pass to Christ's Hospital. The Charity Commissioners discovered the mal-administration of the Corporation of Reading; and Christ's Hospital claimed and obtained the reversion of the endowment, though not without a long and expensive Chancery suit. Indeed it was lamentable to see how the property of the charities was wasted in these Chancery suits. He recollected going accidentally into a church in the Strand—the new church opposite Somerset House—and he saw there an inscription, setting forth that Mrs. So-and-So left 600*l.* to the church for charitable purposes, but by a Chancery suit it had been reduced to 5*l.* When he saw such instances of abuse as that, it made him regret that a moment should be lost in passing this Bill.

Mr. FRESHFIELD, who was almost inaudible, spoke in defence of the management of the Royal Hospitals, and said that the trustees of those charities were most desirous of being exempted from the operation of the present Bill. If they were liable to any charge, let them be proceeded against, and let them take the consequences; but do not call upon them year after year to send their accounts into the County Courts, to be copied by the registrar, and require them to contribute, however commendable their conduct, 50*l.* a year out of their funds to enable those Commisioners to carry out the Bill.

Mr. GOULBURN said, the Bill as it stood was in a very different form from that with which he formerly objected to legislation on the subject; and so far as the tribunal was concerned, he had nothing to say against it. He had before admitted the necessity of legislation, and he was prepared to support the principle of the present Bill, without pledging himself to the details. Neither could he see why the Committee on a question of public importance should be a select one. The exemption or non-exemption of particular bodies was a question well worthy of consideration. On the one hand, it might be made so general as to defeat the object of the Bill; and, on the other, narrowed so far as to make the Bill oppressive and tyrannical. The question was one, he thought, which could better be discussed by a Committee of the whole House, than by five or six gentlemen only. The objection to the Bill was in some of its details. He had presented a petition from an hospital which well deserved attention, namely, the Foundling Hospital; and the governors of that institution objected to constant liability to interference, on the ground that it would check the course of charity. He certainly thought it no more than right that there should be periodical visitations to all charities, to ascertain whether they were properly administered; but, on the other hand, they ought to be exempted at least from the daily and hourly interference which under this Bill would take place, and he thought some clause to provide for this ought to be introduced into the Bill. To secure a proper administration of these charities without offending the feelings of the persons concerned, was a most desirable object, and one which, he conceived, it would not be impossible to attain.

Mr. J. A. SMITH rose to put a question either to the late Attorney General or the present, relative to the misapplication, which he had alleged, of the funds of St. Cross's Hospital, at Winchester, Did the law afford any means to procure the restoration of those misapplied funds, and would those means be put into action to obtain that result?

Mr. P. HOWARD said, that in the case of charitable institutions under private management, the greatest delicacy ought to be exercised in any question of legislative interference, and he thought it desirable to submit the Bill not to the desultory conversation of an open Committee, but to a Select Committee, which would enter deliberately into every necessary detail.

Lord JOHN RUSSELL said, that considering the length of time which had elapsed during which Parliament had given its attention to this subject, he should be very sorry if any farther delay should take place. He, therefore, could not give his support to the Amendment of the hon. Alderman, to refer the Bill to a Select Committee, fearing that that would furnish an occasion for fresh delay, and put it out of their power to pass the Bill in the present Session. He did think, however, that the circumstances which had been stated with regard to several of the Royal Hospitals were deserving of the attention of the Attorney General. If, as was said, 200,000*l.* was contributed to one hospital alone from private funds, it certainly did show that it was important that there should be no unnecessary interference with such establishment. He should therefore be inclined to agree with the proposition of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), to insert a clause in the Bill to exempt such establishments, at least from a constant interference, and subject them simply to periodical visitation, conducted by Commissioners appointed for the purpose. Such a clause would go far to relieve the apprehensions now entertained by persons who had long been concerned in the management of these hospitals. With respect to the raising of funds necessary to carry out this supervision, he thought it would be very unjust to tax well-conducted establishments for the purpose of controlling those not so well managed; and rather than this, he would prefer that the public money should be applied to that purpose.

Mr. Alderman THOMPSON said, that being anxious that no delay should take place, he would withdraw his Amendment.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to;* Bill considered in Committee.

House resumed; Committee report progress.

CORRUPT PRACTICES AT ELECTIONS BILL.

Order for Committee read; House in Committee.

LORD JOHN RUSSELL was understood to say that his hon. Friend the Member for Southampton (Sir A. Cockburn) had several Amendments to propose to the Bill, and that it would be advantageous, therefore, to have the Bill reprinted.

MR. WALPOLE approved of the course suggested by the noble Lord. There were two points in which the Bill required amendment. He alluded to the provision by which an inquiry was to take place on the presentation of an address, alleging that corruption had taken place in any particular borough. Some ground should be required for the issuing of a Commission, other than a mere address. Unless they did, a majority in the borough might always procure a Commission; and he also thought a clause should be inserted for the purpose of preventing an inquiry taking place without good and sufficient foundation for such inquiry. He objected also to the retrospective action proposed to be given to the Commission. Inquiry ought not to be allowed into proceedings that had occurred ten or twenty years ago. These subjects required amendment; but in consenting to the reprinting of the Bill, he did not pledge himself to sanction the Amendments proposed.

LORD JOHN RUSSELL did not exactly see how words could be framed to meet the views of the right hon. Gentleman; but if the right hon. Gentleman proposed any restriction or limitation on the power of the House of Commons in this respect, he hoped he would suggest such words as he thought would answer his purpose, and print them with the notices. With regard to not making the Bill retrospective, he entirely agreed with the right hon. Gentleman.

COLONEL SIBTHORP had an insuperable objection to the Bill altogether. It was a dirty, mean Bill, full of trickery, and intended to throw a veil over those who did not deserve to be veiled; nor would it in the least check the faults which it pretended to aim at. Why did not the noble Lord bring in such a Bill as soon as he was returned for the City of London? He detested Commissioners: the very name of a Commissioner stunk in his nostrils. He would ask the House if the Bill was intended to prevent vice? Not at all; but it was a direct encouragement to perjury. He never would believe that a man, however poor, could by such foolish and abortive precautions, be prevented from exercising the franchise honestly or dishonestly. He knew what the humbler classes were. Many of them were as honest, aye, and as respectable too, as the noble Lord, or any Member of the late Government. He was one of those who, notwithstanding any Bribery Act, would relieve his fellow in distress—relieve him like the good Samaritan. He was altogether adverse to the progress of the measure.

SIR HENRY WILLOUGHBY, considered that this Bill, unless certain clauses were introduced, would encourage the practices it meant to punish. Their object should be prevention rather than punishment. Every person was sufficiently acquainted with electioneering to know that money would be spent, in order to make up a case for disfranchising a borough.

Bill considered in Committee.

House resumed; Committee reported.

The House adjourned at One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, March 29, 1852.

MINUTES.] PUBLIC BILLS.—1ª St. Albans Disfranchisement.

2ª Personal Estates of Intestates.

Reported. — Proclamation for Assembling Parliament.

3ª Protection of Inventions Act, 1851 (Extension of Term); Commons Inclosure; Consolidated Fund; Law of Amendment.

CONFISCATION OF THE TERRITORIES OF AMEER ALI MORAD.

The EARL of ELLENBOROUGH rose to bring forward the Motion of which he had placed notice on the Paper for the production of certain papers which had reference to recent transactions in India, and particularly to a Proclamation which had been issued on the 21st of January, 1852, by Mr. Frere, the Commissioner in Sinde, by order of the Governor General of India. In that Proclamation it was declared that Ali Morad, who was an independent prince, and an ally of the British Government, and who was in possession of considerable territories in the northern part of Sinde, had, by a Commission appointed by the British Government, been found guilty of having forged a certain treaty by which he had obtained possession of certain districts instead of certain villages, which he claimed to be entitled to under a treaty called "The Treaty of Nownahur;" and that, in consequence of his having been thus found guilty, he had been deprived, not merely of those territories which he had obtained fraudulently, by means of that supposititious treaty, but of all his territories, save those which he had received from his father. If he (the Earl of Ellenborough) had not been entirely satisfied of the strict sense of justice which, under all circumstances, animated their Lordships, he should have hesitated long before he brought this subject before them; for he knew that there must always be a considerable prejudice entertained in that House against any person deemed guilty of the disgraceful crime of forgery, and especially when that crime was stated to be committed by a prince. But of this he was quite sure, that their Lordships would not willingly see the poorest person, either in the dominions of this country or under the Government of India, deprived of these three advantages, when accused of any offence: first, that the tribunal before which his offence was to be investigated should be free even from the suspicion of partiality; next, that the evidence upon which the decision of that tribunal was formed should be free from taint; and, thirdly, that if the tribunal should be satisfied of the defendant's guilt, the punishment should be commensurate with his offence, and not inconsistent with the condition of the person accused. Not only had not these three circumstances combined in the case of Ali Morad, but, what was more striking, not even one of them had taken place. The condition of Ali Morad, as he had already informed their Lordships, was the condition of an independent prince, and an ally of the British Government. Our quarrel with him was that of State with State. We said that he had possessed himself fraudulently of lands belonging to us. We were undoubtedly justified in ascertaining by any means in our power whether a fraud had been committed by him towards us. We were undoubtedly bound to afford him every means to make his explanation and his defence; but we were at liberty to come to, and to act upon, our own conclusions thereon—to require from him the surrender of the territories which we thought that he had fraudulently obtained and wrongfully withheld from us; to demand a full compensation for the losses which we had sustained owing to that wrongful withholdance, and even to inflict a penalty upon him for the injury which he had done us. But there our power and our rights as a State ended. We were not justified in dealing with him as a prince and a subject at once. We had a right to demand from him the territory so wrongfully withheld, and such compensation as we might deem ourselves entitled to; but not a right to proceed against him as a prince for the moral offence of forgery, and to deprive him of every thing which constituted the dominion by which he reigned. The Ameer Ali Morad was no ordinary person, nor had his services to the British Government been of an ordinary character. If he had not co-operated with us at the end of the year 1842, and in the commencement of 1843, it was matter of great doubt whether it would have been possible for General Sir Charles Napier to have moved his army to Hyderabad, or to terminate successfully the operations in which he was then engaged in Sinde. On a subsequent occasion he joined Sir Charles Napier as an independent prince, with a force of 5,000 men of his own troops, and contributed to our ultimate success in the operations in the hills, by occupying certain roads by which the enemy might have escaped—a manœuvre by which certain operations of great difficulty and brilliancy were effectually carried out. At a still subsequent period—in 1846—not the co-operation, but the mere quiescence, of Ali Morad was of great value to us. When Sir Charles Napier, with an army of 14,000 men and 100 guns, was moving on Moultan, for the purpose of co-operating with the army of the Sutlej, and of preventing any movement of the enemy from Moultan on the flank of our army, the quiescence of Ali Morad greatly contributed to the success of our operations. At a still later period his quiescence and his placing the resources of his dominions at our disposal enabled the army, which had found it necessary to retire from Moultan, to take a position with its back to the dominions of Buhawulpore, and to march out afterwards to effect the capture of Moultan, and subsequently to advance to Gujerat, and there take a part in the battles which terminated the war. There had not been, from the commencement of our operations in Sinde to the close, the smallest suspicion of Ali Morad's political fidelity to our interests. That being the case, he (the Earl of Ellenborough) said, that even if Ali Morad as a subject had not been entitled, as he was entitled, to great consideration as to the manner in which the charges preferred against him should be investigated, still he would have been entitled to it as a prince who had rendered services of great value to the British Government under circumstances of great difficulty. Now, what was the constitution of the tribunal before which the investigation of the charges against this prince had taken place? Where the result of the inquiry depended on the most careful examination of the truth and on the weighing of the character of the evidence, and of the witnesses—where judicial habits and the absence of all possible suspicion of partiality were above all things required—it appeared to him that it would have been far preferable to have committed the conduct of the inquiry to some high judicial functionary of the Bombay, or the Bengal establishment. Preference, in his opinion, ought to have been given to the Bengal establishment; for in Bombay there had always been a strong party feeling with regard to all the transactions in Sinde. But nothing of that kind was done. The Commission consisted of three persons nominated by the Government, which was in point of fact, the plaintiff in the case, and which would obtain considerable profit, provided the result was in its favour. The first person nominated in that Commission was the First Commissioner in Sinde—in other words, the Governor of Sinde — a person who was interested in deciding the case against the person accused, because such a decision would add materially to the extent of the dominions confided to his charge. This gentleman was Mr. Pringle; but so high was the character of Mr. Pringle, so high was his mind, and so honourable were his feelings, that he (the Earl of Ellenborough) had not the slightest doubt that, whatever decision Mr. Pringle might have come to, and whatever opinion he might have expressed respecting this case, they were dictated by the strictest sense of impartiality and justice; and, if he were satisfied, as he was not, that Mr. Pringle entertained no doubt as to the guilt of Ali Morad, he should be disposed to defer to that gentleman's opinion. But who were the other Commissioners with whom Mr. Pringle was associated? They were Major Jacob and Major Laing. He (the Earl of Ellenborough) knew well the character of Major Jacob, though he was not personally acquainted with him; he was one of the most gallant officers in the Bombay army. He had done the State excellent service. As far as he (the Earl of Ellenborough) had at the time when he was in India the power of assigning rewards and honours, he had bestowed honour upon him by nominating him one of the honorary aides-de-camp to the Governor General. He considered Major Jacob one of the most promising officers in the army; but there was nothing in his character and qualifications as a *bon sabreur* that made him a fit person to sit on a bench of justice. If his noble and learned Friend on the woolsack were to desire to find a Judge for the Court of Queen's Bench, would he ask the Commander-in-Chief to recommend an officer of the 3rd Dragoons? What would have been said if it had been proposed, by way of lessening the difficulties of reforming the Court of Chancery, to place a Vice-Chancellor or a Lord Justice between two majors? And yet that was precisely the course which had been adopted. Still, if these two last-named Commissioners had been merely military men, he should not have objected to them; but it so happened that Major Jacob had served eight years in Sinde, and that the other officer had been present at Hyderabad, and had, he concluded, served for some time with his regiment in Sinde. Whatever might be the merits of the gentlemen who had served in India, this at any rate could not be denied —that they were subject to strong personal prejudices; and there could be no doubt that these gentlemen had their strong prejudices with respect to the accused. In such a case strict justice could not be done by them. He therefore said that it was not fair, and that it had not a good appearance, to place on a tribunal of three Commissioners two gentlemen who were liable to the suspicion that they could not enter upon their judicial duties with impartial minds. Now such being the constitution of the Commission, what was the evidence by which the guilt of the accused was sought to be established? There had been a treaty between the Ameer Ali Morad, his brother Roostum Khan, and his nephew, the Ameer Nusseer Khan, towards the end of 1842. By that treaty certain lands were made over to Ali Morad. It had been said that the lands now claimed by the British Government were not mentioned in that treaty. Now, in the year 1843 Captain Pope was sent by Sir Charles Napier to see by what title Ali Morad held these lands, and it was said that he held them under the treaty of Nownahur; and that was the treaty now averred to be a forged document. A native officer in Ali Morad's service, Ali Gohur, swore on the Koran that the treaty which he then gave to Captain Pope was the original treaty; but though he then swore with great solemnity that it was the original treaty, he now came forward and swore that three days before he took out one leaf of the Koran on which the treaty was written, and substituted for it another leaf with another treaty, by the direct order of Ali Morad. Ali Gohur then came into court, on his own admission, a perjured man. He stood in the very same position in which the witnesses stood whose evidence was repudiated in the case of Jotee Pershaud last year, for he came to swear that that which he had formerly sworn was false. Now, Ali Gohur was a servant of Ali Morad, but did not accompany him in his campaign in the Hills. He was therefore dismissed from the service of Ali Morad; but before he was dismissed he was found to have embezzled a large sum of money and a quantity of grain. That was the person upon whose evidence the charge of fraud mainly depended. In addition to this witness there was another, Ali Hussain, who had been an irregular horseman in Ali Morad's employ. Ali Morad had raised him, as was not unusual in those countries, from an inferior rank to the care and custody of his estates—an office in which he had possession of Ali Morad's seal, and in which he must have obtained an acquaintance with his signature. Now, there was produced by Ali Gohur a paper from Ali Morad purporting to be an order to him to commit the forgery now complained of. This man, Ali Hussain, was also dismissed afterwards from the service of Ali Morad for some misconduct. There was another witness against Ali Morad, a moonshee, who was brought from a prison at Shikarpoor, where he had been imprisoned by the British Government on a charge of fraud, and his evidence had been produced to support the evidence of the two other witnesses, one of whom admitted himself to be guilty of perjury, and the other had been dismissed for fraud and other misconduct. He (the Earl of Ellenborough) was informed that on the evidence of these three persons the decision rested as to the fraud alleged to have been committed by Ali Morad. Supposing, however, the decision to be correct, another question arose, and that was this—was the sentence pronounced in consequence of it justifiable? Ali Morad held his territories under three different titles. He held part of his land by his father's will, who had left it to him, and this was left to him by the proclamation. He held another part by the treaty of Nownahur, with respect to which there was this dispute; and a third part he held as Rais or head of the family under the cession of the turban concluded at Dejee on the 19th of December, 1842. The claim of the British Government to lands stated to be unjustly withheld from it by Ali Morad, did not amount, at any rate, to a value exceeding 4,000*l.* a-year. Ali Morad asserted that they did not amount to even 1,500*l.* a year. In consequence of the conclusion to which the British Government came that Ali Morad had committed a forgery, and had thereby obtained these lands, he had not only been compelled to give up the lands in dispute, but had also seen his other lands confiscated to the amount of 100,000*l.* a year, or more. That was the punishment which had been inflicted on him for a fraud by which he could not by any possibility gain more than 4,000*l.* a-year. It seemed, therefore, to him that even if it should be decided that the crime of forgery had really been committed, the punishment was excessive, and the sentence ought to be revised. But a question arose out of these circumstances involving the good faith and reputation of this country, which regarded not only the case of Ali Morad, but also the case of the Nuwab of Buhawulpore, our faithful ally for three generations. By a treaty which we concluded with the Ameers of Sinde — which was afterwards rendered of no avail by the battle of Hyderabad—it was agreed that all the territory formerly belonging to the Nuwab of Buhawulpore, north of Roree on the Indus, should be ceded to him; but the more valuable part of the property was never ceded in consequence of a prior claim advanced by Ali Morad. The Nuwab of Buhawulpore had, therefore, been kept out of the largest portion of the territory which it was the intention of the British Government that he should hold, and which had been actually ceded to him by certain treaties. Now it was essential to the continuance of our reputation in India for honour and good faith, that coming, as we now did, into the actual possession of the lands, we should make them over to the Nuwab of Buhawulpore, as was done by the treaty we had concluded with the Ameers of Sinde. He had always considered it to be a matter of the highest importance to mark, not only by the strongest proofs of personal consideration, but also by substantial rewards, the constant fidelity of the Nuwabs of Buhawulpore. They had been under every adverse situation the faithful allies of the British Government for three generations. It was the fidelity of the present Nuwab to his engagements with us that enabled us to proceed through his territories to Affghanistan. It was his support which enabled our army, on retiring from Moultan, to retire ten miles into his territory, and to march from it again to reduce that fortress. He therefore had a right to expect some territorial aggrandisement as the reward of his sacrifices and his fidelity. As yet he had only received an annuity of 10,000*l.*, a sum which was utterly inadequate to his services, and also utterly inadequate to display the gratitude and consideration which we owed him. He therefore did trust that, in whatever way the British Government might think fit to deal with the property of Ali Morad, it would at any rate recollect that it was incumbent to place the Nuwub of Bahawulpore in the position in which he would have stood if the treaty with the Ameers of Sinde had been carried into effect. There was another claim which Ali Morad had upon British justice. Having in 1843 obtained possession of all the territoris included under the cession of the turban, he became the possessor of all the fortresses bordering on the territory of Jesselmere; and, at the request of the British Government, and with the assurance that he should be indemnified for giving them up, he made over those fortresses to the Rajah of Jesselmere. To this hour, however, no compensation had been made to the Ameer Ali Morad for that sacrifice. He had not only done all that a faithful ally could do by placing his army and the resources of his country at our disposal, but he had also, when it was proposed, for the purpose of consolidating our dominions, that there should be some extensive changes of territory, assented to the proposal, and yet to that hour he had never received the idemnity promised him. He had thought it right to place these circumstances as shortly as he could before their Lordships, for if he did not he knew not any one else who would undertake the task; and it was only right that there should be at least one person in Parliament ready to state the case of parties in India who considered themselves aggrieved by the acts of the British Government. He had stated the case as he believed it to be according to the information he had received. All that he now desired was that the Government would reconsider the justice of their decision, and, if they should be satisfied of the justice of the decision against Ali Morad, then that they should revise his sentence, and not subject him to a punishment which he (the Earl of Ellenborough) thought was excessive, and inconsistent with the condition of Ali Morad, and injurious no less to his subjects than to himself, and which would shake the confidence of all the native princes of India in the fidelity of this country to its engagements, and in its kind feeling to those who had served it. The noble Earl then moved for—

"Copy of a Proclamation issued on the 21st of January, 1852, by Mr. Frere, the Commissioner in Sinde, by order of the Governor General of India, declaring the Forfeiture to the British Government of all the Territories held by the Ameer Ali Morad, except such as he received from his Father, on the ground of his having wrongfully obtained Possession of a Portion of those Territories by means of a forged Document styled the Treaty of Nownahur; also,

"An Account of the Estimated Revenue of the Territories so forfeited, distinguishing such as were obtained under the Treaty of Nownahur from such as were held by the Ameer Ali Morad as Rais, under the Cession of the Turban, concluded at Dejee on or about the 19th of December, 1842; also,

"An Account of the estimated Revenue of such of the Territories so forfeited as were heretofore in the Possession of the Nuwab of Buhawulpore, and were intended to be ceded to the said Nuwab by the several Treaties signed by the Ameers of Sinde on the 14th of February, 1843."

Lord BROUGHTON said, he should not have presumed to rise before the First Minister of the Crown if this case concerned Her Majesty's present Government, or any other persons than himself, who was, in fact, answerable for these proceedings. If injustice had been committed—if there had been these grievous violations not only of the substance but of the very forms of common equity, he was answerable; for, having been at the time of these proceedings President of the Board of Control, he had authorised the sending to India that despatch by which Ali Morad had been deprived—unjustly, as the noble Earl said, but justly, as he said—of his ill-acquired possessions; he (Lord Broughton), and not the present Government, nor any Member of it, was responsible. By the courtesy of the right hon. Gentleman who now presided at the Board of Control, he had been enabled to refresh his memory with respect to these transactions, and as they had heard the precise and admirable —so far as the mere statement went—the admirable statement of the noble Earl, he hoped that in presenting a very different portrait of this person, whom the noble Earl had so eulogised, their Lordships would be so kind as to give him their attention, and forget the difference between his and the noble Earl's capacity for making a statement. In the early part of the noble Earl's statement, he had, with sufficient accuracy, introduced to them the character and position of this Indian prince. It was quite true that he was a man of considerable importance; it was quite true that he had been of service, but he would show their Lordships presently of what service, to the British Government. It was quite true that he played a very distinguished part —it remained to be shown with what sort of distinction—in the proceedings in Sinde, to which the noble Earl referred. Ali Morad was, as the noble Earl had stated, the third son of a chieftain in Upper Sinde, who died some time ago, and left three sons, of whom the eldest was the 'Meer Roostum, the second the 'Meer Moobarik Khan, and the youngest the 'Meer Ali Morad. When this chieftain died, at the age of 80 years, he left his possessions to be divided into four equal parts, of which he gave one to each of his sons, and the additional fourth to his eldest son, the Ameer Roostum, as an appanage of the turban or rais-ship. The brothers went on amicably until the death of the second brother, who was succeeded by his son, Nusseer Khan, a personage much mixed up with the transactions to which the noble Earl had alluded. This happened in 1837. In a short time afterwards these princes quarrelled amongst themselves. The elder brother and his nephew took part together against Ali Morad, the younger brother, who claimed for himself a greater share of power than the other two princes thought he was entitled to. They had a long struggle together, which at last broke out into positive hostilities. A battle was fought at Nownahur, in September, 1842, in which Ali Morad was victorious, and he compelled his brother and nephew to sign a treaty; which treaty, in fact, had been the basis and the cause of most of the charges subsequently made against Ali Morad. By that treaty certain lands were given up to Ali Morad, as the fruits of victory, to which, had he subsequently behaved well, and no alteration been made in the treaty, no one would have been willing to dispute his complete right. But, not satisfied with the legitimate fruits of his victory, this person, as it afterwards appeared—and he (Lord Broughton) took the liberty of saying there was no doubt of it—did contrive, by means of an agent, to substitute among the leaves of the Koran, in which the treaty was signed, one leaf for another; and by so doing, he was put in possession of certain territories to which he had no right whatever. The noble Earl stated that the lands were but small; but, small or great, what this person did was to make himself master of terrritories to which he had no right, and by so doing to impose on the British Government, and make the British Government consider him a far more important person than he really was, and to treat with him as such. That was pretty well; but that was not all, or anything like all; for, not content with that, Ali Morad, at the time that Sir Charles Napier came, by orders of the Earl of Ellenborough, who was then Governor General, at the head of the Indian forces into Sinde, Ali Morad persuaded his brother to agree to a resignation of the turban or headship of the family, and with that resignation to give the lands attached to it. Meer Roostum gave up the turban to his brother, and he did this by the advice of Sir Charles Napier, as he should proceed to show by an extract from one of Sir Charles Napier's own despatches. Sir Charles Napier, writing to the Earl of Ellenborough, on the 30th September, 1842, said—

> "I had a secret message from Meer Roostum. The bearer had an open letter in the usual unmeaning style of the Durbar, but the messenger privately informed Lieutenant Brown that Roostum could do nothing, and would escape to my camp. I did not like this, as it would have embarrassed me very much how to act; but the idea struck me at once that he might go to Ali Morad, who might induce him, as a family arrangement, to resign the turban to him (Ali Morad), especially as Roostum has long been desirous of getting rid of this charge. I, therefore, secretly wrote to Roostum and Ali Morad; and about one o'clock this morning I had an express from Ali Morad, to say that his brother (Roostum) is safe

> with him, and that he requested me not to move upon Khyrpur before twelve o'clock to-day, to give time for his women to get away in safety."

It appeared from that that the British Government were necessarily affected by any misdeed of Ali Morad, for it was on the advice of General Sir Charles Napier that Meer Roostum resigned the chieftainship of the family, and the lands attached to that chieftainship, to Ali Morad. But that also appeared from what Meer Roostum said himself at the conference between the Ameers of Sinde and the agent of the British Government, Major Outram, all of which would be found in the blue book presented to Parliament in 1843. Meer Roostum said — "By the general's own directions I sought refuge with Ali Morad" (and here he produced a letter from Sir Charles Napier directing him to place himself under the protection of Ali Morad), "who placed me under restraint, and made use of my seal, and compelled me to do as he thought proper. Would I resign my birthright of my own free will? I did not write that letter. Everything I did, I did by Ali Morad's advice, whose advice I was directed by the General to be guided by." There was another proof that whatever was done in respect to this person was done by order of the British Government, and if injustice was committed by the instrumentality of Ali Morad, the British Government were naturally the first to be blamed. But that was not all; for Ali Morad, not content with the proceeding he had described, entered into another agreement in December, 1842, by which Ali Morad agreed to give his brother compensation in lands for the resignation of the turban and the cession of those lands which were attached to the turban; and how did he proceed with respect to that agreement? He signed the agreement with his brother Ameer Roostum; but the messenger sent to Sir Charles Napier with the second agreement, conferring upon Roostum, as he thought, equivalent advantages to the resignation of the turban and the cession of the lands attached to it, was intercepted by Ali Morad; the agreement was taken from him. The consequence was that it was not even known that such an agreement had been signed; Sir Charles Napier knew nothing of it; the Government of India and the noble Earl knew nothing of it; and Ali Morad did not do that which he had stipulated with his brother he would do—but he remained in possession of those lands and those very benefits which he had agreed to give up to Meer Roostum as an equivalent for the resignation of the chieftainship, whereby he not only cheated his brother, but he cheated the British Government; because those territories which should have been in the possession of Meer Roostum by this treaty, would have been confiscated to the British Government by the conquest of Sinde with the other territories of the Ameers. It was a cheat not on Roostum and his family, but really on the British Government, who would otherwise have acquired those possessions by conquest. These transactions, to which the noble Earl had not alluded, appeared to give a very different character to Ali Morad from that assigned him by the noble Earl. But that was not all. After having defrauded his brother, in two instances, out of that which belonged to him, the next contrivance of Ali Morad was to persuade the unhappy man that Sir Charles Napier—instead of being animated, as he (Lord Broughton) believed he was, with a sincere desire to bring matters to a peaceable conclusion—was resolved to seize Meer Roostum, to imprison him and his family, and that his only resource was to fly. Meer Roostum listened to this advice and fled, and his flight was the immediate cause of hostilities between the British and the Sindians; and, in order to prove that Ali Morad instigated Roostum to fly, he would call in evidence Sir Charles Napier himself, who said, in a letter to the Governor General upon the subject—"Now, it strikes me that Ali Morad may have frightened the old man into the foolish step he has taken, on purpose to make his possession of the turban more secure. That, to do this, he told him I intended to make him a prisoner; Ali, pretending to be his friend, and only waiting for his opportunity to betray him." Such was the opinion of Sir Charles Napier of the character of Ali Morad, whose fidelity, to his (Lord Broughton's) great surprise, the noble Earl said was never suspected. [The Earl of Ellenborough: Political fidelity.] Well, whose political fidelity was never suspected. Then there was another letter written by the noble Earl (the Earl of Ellenborough) himself, and dated January 6, 1843, in which this passage occurs:—"I feel no confidence even in Ali Morad. I believed he managed the flight of Meer Roostum." If the noble Earl then at the head of the

British Government in India suspected that this man was really guilty of such atrocity—the double atrocity of forcing this old man to commit an act to bring down the vengeance of the British Government, and to plunge his own country in bloodshed and ruin—he would ask their Lordships whether there was any sort of reason to believe that an unfair character had been given to Ali Morad by those who had been looking into these transactions, and who had pronounced him guilty of many parts of the accusation against him? That the flight of Roostum was the immediate cause of hostilities was proved by the whole tenor of these despatches presented to Parliament. What was said by the Ameers in the last conference which took place on the 13th of February, 1843, just before the breaking out of the war? They said—" That is very bad; you will neither promise restitution of what has been taken from them (that is, the Ameers) by Ali Morad, nor will you allow them to right themselves. Everything that the British Government would have from them they had given and agreed to. Why oppress them any further? Promise to restore the lands Ali Morad had taken. They have given you all you wished for yourself, and Khaons Khan without a murmur." And at last the despatches said:—" If you will not promise restitution of the lands Ali Morad has taken, the Kyrpur Ameers must fight for their bread." What, then, was the fact? That the injustice committed against the Ameer Roostum and the frauds of Ali Morad, were the immediate cause of those hostilities which led to the ruin of the Ameers and the conquest of Sinde. He would not refer their Lordships to the details of those hostilities; it was not his intention to say anything of that which was called the conquest of Sinde. He was sorry this question had been opened, and had taken the liberty of informing the noble Earl privately that, in his opinion, it could lead to no possible good. He was very sorry to have to speak thus of Ali Morad. He was a fallen man now—a man disgraced by his own acts—a man favoured, exceedingly favoured, by the noble Earl; and the honour of being defended by the noble Earl was the only advantage he could possibly derive from the discussion. After Sinde was conquered, after those provinces were put in possession of Sir Charles Napier, their Lordships might ask, how came it that there was no suspicion of the perfidy and misconduct of Ali Morad further than that to which he had alluded; no suspicion of the forgeries and misdeeds by which he had acquired that to which he had no right? But there was a suspicion, and that suspicion had reached Sir Charles Napier himself, of which he could convince their Lordships by reading a despatch from the Bombay Government, dated 25th February, 1850: " On this subject (Ali Morad) we also beg to refer to a confidential memorandum of Sir Charles Napier, recorded when quitting the government of Sinde, and to a demi-official letter addressed by him to the late Governor General (Lord Hardinge), of the 22nd of September, 1847, containing information relative to the alleged mode in which the supposed fraud was committed." There was also a minute by Sir G. Clark on the same subject, to this effect: " In a private memorandum left by the late Governor of Sinde, there stands recorded against this chief (Ali Morad) an imputation of having, by means of the substitution of a fabricated for a genuine document, appropriated a district which belongs to the British Government. Sir Charles Napier assumes such to have been the case; and, apparently anticipating that still more evidence would be obtained, recommends that, preparatory to the resumption of the district in question, the Commissioner and the officer commanding in Sinde should be present at Sukkur, and the troops in Northern Sinde reinforced." So early as 1847 Sir Charles Napier became cognisant of fraud, and thought it necessary to supply means of punishing it. In consequence of this communication made by the Bombay Government, when Sir George Clark went to Sinde he looked into the case, and became convinced of the serious nature of the charge against Ali Morad. He reported his opinion, and the Government of Bombay, upon the accession of Mr. Pringle as Resident Commissioner in Sinde, desired Mr. Pringle to look into it. Mr. Pringle did look into it—and their Lordships had the testimony of the noble Earl himself as to his high character—Mr. Pringle reported to the Government of Bombay that he had no doubt of the guilt of Ali Morad. But the Governor of Bombay, exercising, as he thought, a wise discretion, wishing to give that individual a better chance of escape than might be afforded by the decision of only one person—that one person, to a certain degree, prejudiced against him, being Commissioner of Sinde — the Government of Bombay ordered that a Commission should be appointed. A Commission was appointed, consisting of Mr. Pringle, Major Jacob, and Major Laing. The noble Earl objected to the appointment of soldiers on that Commission. But it was not the first time civil jurisdiction had been entrusted to military men; and in our time the Nuwab of Kurnore was deposed by a Commission headed by a military man, Major Pottle. In this case especially there was no ground for complaint. Major Jacob was an officer distinguished, not merely for gallantry in the field, but by the ability with which he had administered the frontier of Sinde under very difficult circumstances. The Commission held its sittings. Nothing could be fairer than the way in which the proceedings were conducted. Ali Morad was present himself, and examined the witnesses adduced in support of the charges, and was able, if he liked, to call any witnesses on his own part. It was an open inquiry. There was no concealment. He had never heard the least complaint of the mode in which the inquiry was conducted. The decision of the Commission was adverse to Ali Morad. They considered, as he was sure their Lordships would consider if they ever saw their report, that the fraud with respect to the treaty of Nownahur, was judicially proven. They did not think it necessary to pronounce judgment on any other charges; but thought it sufficient to pronounce their verdict upon the first charge, namely, the forgery of the treaty of Nownahur, and on that the verdict was decidedly against Ali Morad. It was sent to the Governor of Bombay; the Governor of Bombay sent it to the Governor General. The noble Earl (the Earl of Ellenborough) said that certain prejudices in the Bombay service made it probable that this man could not have a fair trial from Bombay servants. He (Lord Broughton) entirely dissented from that opinion. But the report of the Commission, with all the papers appended to it, was sent to the Governor General. The Governor General examined the whole of the evidence, and returned the report, with his opinion, to the Governor of Bombay; and the united reports of the Indian Government and the Governor of Bombay, with that of the Commission and the evidence attached, were sent home to the authorities in England. The home authorities also had no doubt of the propriety of the decision in every particular. There was no difference of opinion in India, nor had he heard of any difference of opinion even in England as to the offence being proved. There was a difference of opinion as to the punishment. Some were for more, some for less. Some were for depriving Ali Morad of every thing he had, and he had seen it hinted, that "the offender ought to be put to death." "It is lucky for him," says an Indian newspaper, "that he lives in the year 1852, when our power is irresistible, and we can afford to be merciful. In the time of Clive and Hastings, he would probably have been hanged for the forgery and cheat of which he has been guilty." He (Lord Broughton) did not believe that if the then Governor General of India (the Earl of Ellenborough) had been cognisant, as he now was, of the misdeeds of Ali Morad, that the war would have taken place. He did not wish to open the question; and he felt as confident as of his own existence, that had that noble Earl known as much then as he knew now of Ali Morad, the conquest of Sinde would not have taken place—certainly not under the circumstances under which it had taken place. This man had been the cause of the shedding of a great deal of blood—he had been guilty of one of the basest of crimes—of defrauding one of his nearest relatives, and of betraying the cause of his own countrymen; and, more than that, though it was not a crime of so deep a stain, of cheating the very Power and the very persons who had raised him to his station, placed him on his ill-gotten throne, and maintained him there. He did not know how there could be blacker guilt, or how there could possibly be a greater combination of offences. He begged noble Lords to observe, that had the Indian Government only taken possession of that of which Ali Morad had fraudulently deprived them, it would only be restitution, and not punishment. The Indian Government had taken from him the two properties which he ought never to have had—that which he had fraudulently possessed himself of, and that which he had obtained by intercepting the messenger and suppressing the agreements with his brother. The noble Earl would have acted in the same manner as the present Government of India, had he been cognisant at the time of the real circumstances of the case, and of the true character of Ali Morad. Neither was there any injustice in depriving him of the turban. He had not obtained that honour fairly. By a gross injustice he had made his brother abdicate in his favour, and it could not therefore be charged against the Government that they acted with harshness or with cruelty. Ali Morad was neither fit to be entrusted with a real sovereignty, nor invested with one which was merely nominal; the first would be disastrous, the second would be disgraceful to the British Government, which had innocently been made the instrument by which his frauds had been accomplished. The whole case having been referred to him (Lord Broughton), he thought that the home authorities might be contented with taking a middle course between the extreme opinions which had been given as to the degree of punishment which ought to be inflicted on Ali Morad. Some were in favour of leaving him with a great deal less than he now possessed; some were for giving him somewhat more. He (Lord Broughton) left it to the Indian Government to say whether, upon a reconsideration of the whole case, they thought that he was entitled to something more than his patrimonial possession. The Marquess of Dalhousie reported that he had considered the whole case, and that he thought the full penalty recommended by the Directors and the Board of Control ought to be inflicted. He need not tell their Lordships that what the Government had recommended to be done was done. A force was assembled, but was not employed. Ali Morad submitted at once. Ali Morad was still left a great landowner. He was now in possession of everything which fairly belonged to him. He had been deprived of his position as head of the family through his own misconduct; and he had, therefore, no reason to complain. Every inquiry which could be made had been instituted. No doubt existed as to his guilt; but he had a full, open, and fair trial. He (Lord Broughton) agreed with the noble Earl, that it was of the utmost consequence in India that there should not be even suspicion of injustice on the part of the British Government; but in conclusion he would take the liberty of adding, that in dealing with such transactions as these, and in canvassing the acts of great public functionaries at a vast distance from home, entrusted with great powers and a wide discretion, also loaded with large responsibilities, we should be very kind to their virtues, and a little blind to their imperfections. Impressed with this conviction, while he had filled the office of President of the Board of Control, he thought it was not a wise or a good thing for the public interest that the conduct of these great functionaries abroad should be subject to the same severity of criticism as that of politicians at home; he had accordingly used whatever little influence he possessed with his party, that the conduct of the noble Earl himself might not be too narrowly scanned, nor any trifling indiscretion of act or word be visited with censure. He hoped their Lordships would excuse the unreasonable length at which he had dealt with those transactions; and he would only add that he trusted the late Government, the Court of Directors, and the Indian Government, would be considered absolved of all blame in those transactions.

The EARL of ELLENBOROUGH said, that had he required any evidence of the total want of equity, the total want of judicial character, which characterised all these proceedings, he would have found it in the speech of the noble Baron (Lord Broughton). The only thing before the Commission was the accusation of forgery; that was the only thing they were to inquire into. Yet they entered upon many others, and upon their finding, Ali Morad was deprived of his territory. The noble Baron touched very lightly upon the accusation of forgery, and went into the alleged offences committed in 1842, and the subsequent events consequent upon the war in Sinde, and justified the severity of the punishment, not by the forgery, but by all those transactions in which it was assumed that Ali Morad had been equally guilty. But Ali Morad was not upon his trial for these things—he was on his trial for forgery; it was unfair to try a man for one thing, and to punish him for another. The noble Baron said that if he (the Earl of Ellenborough) had been aware of all these transactions when he was in power, he would have acted similarly, and would not have considered the punishment severe; but he begged to tell the noble Baron that he was mistaken. If he (the Earl of Ellenborough) had thought that Ali Morad was guilty of those other offences, he would have distinctly stated that opinion, and have tried him for them, as well as for the forgery, if he had tried him at all; but he would not have taken advantage of one offence to punish him for another. But could he have proceeded as the Commission had proceeded —as the noble Baron had proceeded—to punish him (Ali Morad) as he had been punished? No; he could not bring a claim against him for certain property, and then obtain judgment not only for that but for other property to which he had no claim. It was as though he had brought an action against a man to recover a property in Cambridgeshire, on the ground that it was improperly obtained, and the Court had not only given the property in Cambridgeshire but also property in Lincolnshire, to which there was no claim made. He would not have first proceeded against Ali Morad as an independent prince, and then have punished him as a subject—he would, however, have marked his sense of the crime of forgery, the basest of which a prince could be guilty. With the most perfect confidence he would have laid the whole case before the Princes of India; he would have gone to every Durbar and asked its opinion as to the nature of the punishment that ought to be inflicted on one of their own fraternity; and he had no doubt that the result would have been a unanimous decree for the degradation of one who had so disgraced his position. But the Princes of India, while they degraded the Sovereign, would not have extinguished the Raj. It would be impossible for him to follow the noble Baron through all the topics upon which he had touched. There could not be a doubt that the impression on the mind of Sir Charles Napier was, that Ali Morad had forged the documents; but Sir Charles Napier never could obtain the proof. When Sheik Ali Houssein wanted to obtain letters of introduction to Lahore, he went to Sir Charles Napier to obtain them. "Give me first," said Sir Charles, "that leaf which you possess." Sheik Ali Houssein promised the leaf, but he never brought it; and when Sir Charles was departing, he left letters of introduction to the Resident, which were to be exchanged with the Sheik for the important leaf which would have established the guilt of Ali Morad. But the political fidelity of this prince to the British Government was unquestioned. His troops and all the resources of his territory were ever at our entire command. There never was the smallest doubt of his political fidelity; and in a country like India, as well as in any other country, that was a matter of no small importance—in fact, was a thing most valuable.

Lord BROUGHTON said, he had been forced to state the circumstances alluded to by the praises the noble Earl had bestowed on Ali Morad's character, and on his good faith and fidelity. He had mentioned these facts that their Lordships might learn the real character of the man.

The Earl of ELLENBOROUGH replied, that the praise he gave Ali Morad was this, that he had always been faithful to our Government; and every one conversant with India must be aware that political fidelity was peculiarly valuable in India.

The Earl of DERBY said, that the discussion which had taken place fully confirmed the statement of the noble Earl, that the meanest of Her Majesty's subjects, as well as the highest, and in however remote a part of Her Majesty's dominions, need not fear that they would suffer any prejudice with their Lordships from any charge that might be brought against them, and that their Lordships would never be deaf to any complaints or to any demands for justice which might be addressed to them; and it would be well for all those who might appeal to their Lordships' justice if they found an advocate so distinguished for ability and sincerity as the noble Earl; but he must add, that when unfounded complaints were made against those who acted under authority in a remote part of Her Majesty's dominions, or when persons were attacked in their absence, he trusted there never would be wanting in that House those who would ably vindicate those absent servants of the Crown with the same power and ability as had been exhibited on the present occasion by the noble Baron (Lord Broughton), after whose statement he (the Earl of Derby) felt it unnecessary to trespass on their Lordships' time, or to add anything to the ample and satisfactory vindication he had given of the course pursued by the Government of which the noble Baron was a Member; and he only rose to say, that assuming the guilt of Ali Morad, of which he had not the shadow of a doubt, notwithstanding what had been said by the noble Earl—

The Earl of ELLENBOROUGH: I know nothing about it.

The Earl of DERBY: He should feel himself ashamed to hold the position in which he at present stood, if he were not prepared to take the share of the responsibility which belonged to his Government, because the transaction had taken place under the auspices of a previous Government. Assuming, then, the indubitability of the fact of Ali Morad's guilt, he considered the proceedings of the Governor General and of the Court of Directors had been characterised by strict equity and by moderation in the character of the penalty. The noble Earl said that they could not treat a person at the same time as an independent prince and as a subject, who might be tried in their own courts; and the noble Earl then proceeded to argue the case as if they had tried the matter in the courts according to the forms of justice applicable to trying an indictment, and as if legal punishment had been inflicted by the courts. But that was not the course which had been attempted by the Government. They acknowledged the position of Ali Morad as a prince, and they had a perfect right to deal with him on the evidence in their possession, as in a case between the East Indian Government and an independent prince, against whom they deemed they had cause not of complaint only, but cause of offence on the ground of fraud committed against the Indian Government by a prince under their protection. He would go further by saying, that the misinformation which had been communicated by him to the British Government had caused the loss of a vast amount of blood and treasure in the wars which had been fomented and encouraged by that misinformation. The Indian Government might have declared hostility against Ali Morad at once, and they might have swept him from his territory, as an act of retaliation; and that specific course, if he was not misinformed, was recommended by Mr. Pringle himself, who having examined into the facts, stated that in his judgment there was quite sufficient evidence for them to proceed at once, without further investigation, upon their own knowledge of the facts, to take ample vengeance upon one who had defrauded the British Government; and it was solely with a view to avoid the least possible misconception of the merits of the case that that course was not taken. It was not for the British Government to refer to the native durbars and native princes, to ask what course the British Government should pursue. The supplementary inquiry took place in order that there might be evidence patent to the whole world that they proceeded on indisputable facts. The proceeding, then, in the manner which had been adopted, although undoubtedly not according to the forms of law, will afford no parallel to the case of properties in Cambridgeshire and Lincolnshire, as put by the noble Earl; but by investigating the state of facts, and furnishing evidence to be submitted to the Governal General, the course pursued by the Indian Government was neither harsh nor unjust, but one of extraordinary forbearance towards a person who had placed himself in the position of Ali Morad—a position which would have justified acts of open and immediate hostility. The noble Earl complained of the verdict of the court not being upon the issue submitted to it, and said that it had sentenced him to a loss of property for an offence which was not submitted to its consideration. The court was called upon to examine evidence and declare by their verdict whether Ali Morad was guilty or not guilty of a particular charge of forgery, and upon that verdict judgment was substantially to pass, the sentence to be imposed, not by the Judge of that court, but by an independent authority, the Governor General in council. It turned out, in the course of the inquiry into the specific charge of forgery, that not only was the forgery committed in that particular case shown clearly and indisputably to be the means by which he had obtained illegal possession of a large portion of territory, but it turned out also that he had become possessed of another large portion of territory —not, indeed, by forgery, but by fraud equivalent to forgery, by which he made the British Government the unwitting agent of his crime. The noble Baron had explained the circumstances under which the cession of the turban had taken place. That cession had been made in accordance with the legal forms binding upon Mahomedans, and it was in itself good; but there was another instrument also in which equivalents for the cession were set forth, containing various conditions and reservations of rights of territory ceded with the turban, and reservations of personal allowances—all which conditions Ali Morad, who was now represented as such a blameless character, had suppressed by the interception of the messengers; and, without giving any of those equivalents named in the instrument, he took possession of the turban. His noble Friend complained now that, when those facts came to the knowledge of the British Government, that part of the possessions of which Ali Morad was deprived was that very turban which he had thus obtained by fraud. His noble Friend said that he had seen in some newspapers estimates of the revenue of the property forfeited. He (the Earl of Derby) had been unable to find any such estimates in the official papers; and he mentioned the matter to show that it was impossible for the Government, without reference to India, to furnish that portion of the papers moved for by the noble Earl. But he dissented altogether from the doctrine of his noble Friend, that the Government were not entitled to call upon Ali Morad to restore the lands he had unjustly obtained. The noble Earl thought that they ought to have imposed on him a pecuniary fine; but if the noble Earl admitted the right to impose on him a pecuniary fine, he at once gave up the question of his independence. As to the greater or less amount of the fine, it was not a matter on which he would express an opinion, as he had not the facts before him; but that the Indian Government was justified in demanding restitution and enforcing a fine by way of penalty, whether of money or rights of property was immaterial, was a point which was conceded by the very argument of the noble Earl. But what punishment could be more appropriate and equitable than that Ali Morad, having obtained the turban and precedence in the principality by gross fraud and forgery, the forfeiture of the turban thus disgraced, by having been obtained by such means, should be a portion of the penalty imposed on him? After all, he was left an independent landed proprietor after this forfeiture, and no one sought to take from him any portion of his patrimonial territory which had been accorded to him originally by the fourfold division. They proposed to take from him the land which he had wrongfully obtained; also that he should forfeit the turban, which he had fraudulently and disgracefully taken; and they left him in possession of his patrimonial property and of such respect as he could command amongst the natives, to whom the whole course of his conduct was known. He should desire to move, as an addition to his noble Friend's Motion, without which the return would be imperfect, for a copy of the report of the Commission, and of the evidence taken before it, by which the fraud was substantiated, in order that it might not go forth to the public at large that the Indian Government had done these things in a corner, or that they asked any concealment to be thrown over these acts, or sought to defeat the judgment of public opinion, either here or in India. On the part of the Government, he had to say that he had no objection to the production of the papers. He therefore moved to add the report of the Commissioners appointed to inquire into the conduct of Ali Morad.

EARL GREY said, he hoped Her Majesty's Government would not omit, after what had taken place with reference to this matter, to look back and consider the bearing of this case upon prior transactions. He had heard a considerable time ago, when the transactions in Sinde took place, that much doubt was expressed by persons qualified to give a sound opinion as to the justice of the war by which the Ameers of Scinde were deposed, and of the measures which were taken against them. Officers of the highest character—Colonel Outram and Sir Henry Pottinger, both expressed an unhesitating opinion that justice had not been done to those unfortunate Princes; and they now heard from his noble Friend opposite, and from the noble Lord, that Ali Morad was convicted of forgery and the basest intrigues; and that if it were not for his pernicious acts those Princes would not have taken the steps which had brought the British Government down upon them, and that but for his malpractices those unhappy Princes would not have been engaged in those hostilities. If that were really the correct view of the case—if it was the opinion of the late President of the Board of Control, and of Her Majesty's present Government, that the conduct of Ali Morad had been really such as had been described—it was incumbent on the East India Company and the Government to consider the position of the Ameers of Sinde, who were languishing in confinement at a distance from their own country, and were suffering most cruelly from those transactions. He was quite aware that in those cases injustice once perpetrated could not always be reversed, however anxious they might be to do so, and that it was not like transactions between private individuals—for political reasons might render it imposible to render full reparation to those Princes. But if Ali Morad was such a character as had been described, it was he that was to blame for the transactions in Sinde. It was incumbent on the authorities to investigate the matter, and see what could be done in it.

The EARL of DERBY was anxious to say one word more before their Lordships agreed to the Resolution. In his opinion the noble Earl opposite (Earl Grey) had gone much further than he (the Earl of Derby) could be expected to go with him, when he said that in consequence of the discovery of the proceedings and intrigues of Ali Morad, the Ameers of Sinde might now be considered as persons not only blameless, but as persons to whom reparation was due. In that he could not certainly concur with the noble Earl. But this he would say, that the discovery of the intrigues of Ali Morad did put the conduct of the Ameers in a more favourable position than it appeared before; and he would go further, and say, that he had now the satisfaction of informing the noble Earl that so strong was that conviction entertained by the Court of Directors, that instructions had already been sent out for the purpose of reconsidering the position of the Ameers—not with the view of restoring to them their territorial possessions, but with the view of rendering their position more favourable than it was at present. So far as they had acted with the advice and under the influence of Ali Morad, he granted they had a right to consideration; still he could not exempt them from blame altogether, and far less could he regard them as persons who were entitled to any reparation.

Earl GREY explained. All he had said was—repeating correctly, he believed, what his noble Friend had stated—that his noble Friend's belief was, that but for the pernicious influence of this man, Ali Morad, no war would have taken place at the time, and that the Ameers were driven to adopt those steps which brought upon them the British Army by that man's advice; and he thought he was not far wrong when he thus quoted his noble Friend's statement. Whether or not they were entirely free from blame, he was quite unable to express an opinion; certainly, considerable doubt had been expressed by persons of the highest authority with regard to the justice of the treatment they had received. That doubt had, of late, been greatly increased, and he thought it was necessary that their case should be reconsidered. He was glad to find, therefore, from the noble Earl, that orders to that effect had been given, and he could only add that he should deeply regret if, by any want of caution on the part of the British authorities, they had allowed themselves for so long a period to be made the instruments of a person of the character ascribed to this Ali Morad.

After a few words from Lord Colchester, which were not heard,

The Earl of ELLENBOROUGH said, that the noble Earl had entirely mistaken the nature of the offence for which the Ameers of Sinde had been deposed. In consequence of presuming, as the Government of India did, that hostilities were meditated on the part of the Ameers of Sinde, certain treaties were presented to the Ameers, and to these treaties they agreed. They signed the treaties on one day, and the next they attacked a British detachment with 10,000 men; in fact, at the time they were agreeing to the treaties, they were collecting troops in front and rear of the English forces, which were only saved from destruction by the genius, decision, and gallantry of Sir Charles Napier. The Ameers were condemned not for any conduct of theirs preceding the treaty, but for the treachery which preceded, and the culpability which accompanied the battle of Meanee.

Motion *agreed to*, with the additional paper suggested by the Earl of Derby, namely:—

"A Copy of the Report of the Commissioners appointed to inquire into the Conduct of Ali Morad."

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 29, 1852.

Minutes.] New Member Sworn. — For Cork County, Vincent Scully, Esq.

Public Bills.—1° Ecclesiastical Courts (Criminal Jurisdiction); Linen, &c. Manufacturers (Ireland); Sheep, &c. Contagious Disorders Prevention.

2° County Courts Further Extension.

EDINBURGH AND CANONGATE ANNUITY TAX ABOLITION BILL.

Order for Second Reading read.

Sir WILLIAM GIBSON CRAIG moved the Second Reading of this Bill, which he said was approved of by the late Government, but he understood that some part of it would be resisted by Her Majesty's present Advisers. He hoped the Government would now state what their views were with regard to this Bill, and not allow it to be read a second time for the purpose of being hereafter opposed.

Mr. FORBES MACKENZIE said, that, speaking as an independent Member who last year sat upon the Committee, he was not altogether opposed to the object of the Bill; but nevertheless he thought it defective both in principle and detail. It was said dissent was on the increase in Edinburgh, and that was one of the reasons for reducing the number of ministers of the Established Church, which the promoters of the Bill urged in its favour. He, however, could not recognise the force of that reason, nor could he say that he had much confidence in the securities which were proposed to be taken for the payment of these fifteen ministers; and unless the Bill came out of the Committee very much altered, he should feel bound to oppose it on the third reading.

MR. MONCREIFF said, he should support the Bill. He examined its provisions while in office, and he highly approved of it. There could not be a greater error than to suppose that its operations could possibly injure the ministers of the Established Church in Scotland; and if the House could be made sensible of the heartburnings that it was calculated to put a stop to in Scotland, it would ultimately pass the Bill.

SIR GEORGE CLERK said, he was in favour of the measure, though he was opposed to many of its details; and he trusted, when the Bill came down from the Committee, the defects would have been expunged. He should resist any attempt to reduce the number of clergymen attached to the Established Church, and he called upon Her Majesty's Ministers to second his exertions in that respect.

MR. J. B. SMITH said, he only regretted that instead of proposing to reduce the number of clergy from eighteen to fifteen, the Bill did not propose to reduce them to six. It was a great hardship on the inhabitants of Edinburgh to be compelled to contribute to the support of a Church Establishment of which they did not approve. He confessed he could not view the Bill with much favour, for it fell short of the object for the attainment of which it professed to be designed.

SIR EDWARD COLEBROOKE said, that such a Bill as the one now under discussion ought to have been introduced rather by the Government than by a private Member. He would not divide the House on the second reading, but would reserve the privilege of opposing the measure on a future stage, in the event of its not being materially amended in Committee.

SIR ROBERT H. INGLIS thought the debate should be adjourned till Government could come forward and say whether they could conscientiously support the principle of the Bill. He should be extremely sorry if they did approve of the principle, but if they did the fate of the Bill might then be very different.

MR. TUFNELL approved of the Bill, and trusted Government would give its principle their serious consideration and approval, although they might not be able to coincide with all its details.

MR. COWAN said, if the Government had any regard for the peace of the city of Edinburgh, and the prosperity of the Church of Scotland, they would be anxious for a settlement of this question, and would not oppose the measure. He should like to have an assurance from the right hon. Gentleman the Home Secretary—an assurance that the sanction of the Crown would be given to the Bill, otherwise the promoters, who were actuated by the worthiest motives, would not care about proceeding any further with the measure.

MR. WALPOLE said, that a few nights since he declared, in answer to a question, that the Annuity Tax as well as Ministers' Money in Ireland would be taken into consideration by the Government, with a view to arriving at a satisfactory settlement of the questions. He had repeated that declaration to a deputation which did him the honour to wait on him the other day; and he repeated it now. The question of the Annuity Tax, however, was a grave and difficult one, involving very important principles. He had looked into the subject as carefully as he could, considering the pressure of other engagements, and he was not yet prepared to state, on the part of Government, in what particular mode it could be settled. However, if hon. Gentlemen would allow him to look into the question, and obtain as much information upon it as he could, and as he was endeavouring to do with regard to the Ministers' Money, he would endeavour to arrive at a settlement of this measure at the same time. But if he were asked now to give his assent to this proposition, he must say at once that it involved rights which ought not to be given up hastily and without consideration; and the Queen's consent ought not to be given to a measure which abstracted a great portion of the Crown patronage in reference to the deans of the Royal Chapel, until Government could be satisfied that such a settlement of the question would not only satisfy one particular party, but would give something like satisfaction to all concerned. He would also appeal to the House whether, in the present state of business, and considering the difficulties of the question, which had occupied the attention of Government after Government for twenty years, it was reasonable to ask of him (Mr. Walpole) all of a sudden to decide at once what Government would do with this measure.

MR. FOX MAULE said, he had advised the late Government to give the consent of the Crown to this Bill as it now stood, and the late Government was prepared to adopt it as a settlement of that which was agreed to be a question of vital importance, not only to the city of Edinburgh, but to the Established Church of Scotland generally; and every day lost in its settlement was so much opportunity thrown away in maintaining that Church on its present footing. When it was proposed to send the Bill to a Committee, where the parties would have to undergo an indefinite expense, without any certainty of a definite result, that was a proposition which the citizens of Edinburgh could not agree to. His advice, therefore, to the promoters of the Bill would be, that they should consider the statement of the right hon. Gentleman the Home Secretary as a refusal and negative of the principle of the Bill at present. He (Mr. F. Maule) admitted that there was a portion of the clergy of the Established Church opposed to the Bill, but others of them, if they could speak out their mind, would distinctly say that they were in favour of the compromise now offered. The Faculty of Advocates gave notice of a modified opposition to the Bill. They said they would agree to it whenever a settlement could be made which would be satisfactory to the Established Church. But he was afraid that was a qualification which would cause a postponement of any proposition for an indefinite period. The Writers to the Signet, however, were more narrow-minded than their brethren the Advocates on this occasion, and were stronger in their opposition. He regretted that the present opportunity of settling the question was likely to be lost.

Bill read 2°.

MILITIA BILL.

Order [20th February], "That Leave be given to bring in a Bill to amend and consolidate the Laws respecting the Militia," read.

Mr. WALPOLE: Sir, pursuant to the order which has just been read by the Clerk at the table, I now beg leave to move, that certain Members of the present Government be ordered to prepare and bring in a Bill for the purpose of consolidating and amending the laws relating to the Militia. In doing this, I own I feel no ordinary anxiety, and I throw myself at once on the indulgence of the House, on that indulgence which I have so often experienced before, but which, I assure you, I never felt so much in need of as on the present occasion; for as, on the one hand, I am so conscious of the magnitude of this subject, and of the various difficulties by which it is surrounded, that, if I were still in a private position, nothing would justify me in bringing it forward, or even, perhaps, in venturing to speak on it; so, on the other hand, I am so convinced of the absolute necessity of some such measure as that which I shall presently have the honour to submit to the House, that if I were now to shrink from the task, I should be indeed neglecting my duty, and, in my opinion, I should be actually betraying the best interests of the country. Sir, let us consider for a moment the circumstances in which we are placed. I suppose it will be admitted, as an undeniable proposition, that this country ought, in its means of defence at least, whatever may be its means of attack, to be placed on an equal footing with other countries. Is that our position at the present moment? We have been lulled into security by a happy peace of nearly 40 years' duration, and having enjoyed peace for so long a time, we can hardly believe in or even realise to ourselves the possibility of danger. But though I trust, nay, though I I think, that actual danger—actual and immediate—is as far removed from our shores as ever—yet, looking at the state of Europe, not, I mean, with reference to its Governments, but to the elements of anarchy and confusion—I did not say "to the anarchy and confusion," but "to the elements of anarchy and confusion"—which might easily combine and break out into violence not many months hence, I think we are bound to see that we are in such a state of defence, and of defence alone, as to be able to resist any attack which, by possibility, may be made upon us. Now, a question was put to the Government the other night by the hon. Gentleman the Member for Warwick (Sir Charles Douglas), whom I do not now see in his place, namely, whether we had received any information from or respecting any Foreign Power which increased or modified the propriety or necessity which at the time of our accession to office we considered to exist for introducing a Militia Bill. Sir, I frankly say we have not. But that is a circumstance which, to my mind, completely justifies us in the course we propose to pursue. Nay, I will go further, and will say that our friendly relations with Foreign Powers have increased, and are increasing, as the papers which my right hon. Friend the Chancellor of the Exchequer has laid on the table this night will show; but, knowing that those friendly relations still exist, I say they justify us in the course we are pursuing, for they distinctly show that we are not influenced in pursuing that course by jealousy, or fear, or undue apprehension, but that we pursue it simply and solely because we believe that it is the first of duties to keep a country in a state of self-defence, because we know that provident precaution against danger is the highest wisdom, and because we are convinced that the best guarantee against attack is always to be prepared and ready to meet it. Now, that being so, the first question which we have to ask is this—Are we, or are we not, in such a state of defence as the inhabitants of a great country like this ought to be in? I think the answer to that question is not a very difficult one. In the first place, you have the general concurrence of all the best and highest authorities, whether they be military or whether they be naval, that the embodied force in the United Kingdom is not, in case of sudden emergency, equal to its protection. They also think that the inventions and discoveries with reference to steam must necessarily expose this country to more sudden and more imminent peril than she has been subjected to at any previous period in her history. In the second place, you have the fact, that Government after Government have prepared measures in times of panic, somewhat similar to that which I have to propose this evening. Two of those measures were, I think, actually proposed to Parliament, and were only postponed because the panic had passed away. In the third place, you have now the Resolution of the House itself, in pursuance of which—or in obedience to which I might truly say—I am now acting; and I refer to that Resolution because it expresses the opinion pronounced by this House only a month ago that something is necessary to be done to put this country in a better state of security. Now, look at these circumstances, and let me ask you whether a Government coming into power with such circumstances as these thrust upon them would be justified in leaving the defences of the country exactly as they found them. I ask you still further, if they did so leave them, and a war should happen and a misfortune should befall us, would you not say, and justly say, that the Ministers who had so acted, under such circumstances, ought to be impeached? How, then, can we fling up the responsibility which has been cast upon us? Now, Sir, there will probably be three classes of objectors to the observations which I have made. There are those who think that the present state of our defences is actually sufficient. There are those who think—and, from the smile which I saw just now on the face of the hon. Member for Manchester (Mr. Cobden), I suppose he is one of them—that, since there is no immediate danger, there is no immediate necessity for what we propose. There is a third class of objectors, who think that, if you increase the defences of the country, you ought to do it by adding to the Army or or to the Navy, instead of having recourse to the regular militia. Now, let me say a few words upon each of these classes of objectors. And, first, for those who think that the defences are sufficient as they are. The other night, when the Army Estimates were voted, the hon. Member for Lambeth (Mr. W. Williams) cast up the numbers of the troops very accurately, and said, "When you have 100,000 men for your Army, 30,000 in India, 15,000 pensioners, 13,500 yeomanry, making in all somewhere about 160,000 men, what is the need or necessity for a militia?" Sir, you arrive at hasty conclusions from those figures, if you do not ask yourselves, what use can you make of those men for your home defences? It is true you have a large Army; but that Army is not a quarter of the army of Russia; not half the army of Prussia, not a third of the army of France, and very little more than the army of Belgium: but your Empire is ruled over by a Queen who has under her dominion one-sixth of the population and one-eighth of the surface of the habitable globe. You have colonial possessions which exhaust a great part of your forces. Other Powers have more compact dominions, and can, therefore, more readily concentrate their forces. Their troops are not spread abroad in weak detachments, which cannot be withdrawn, like those belonging to this country. The very greatness of your Empire, therefore is, in one sense of the word, a source of weakness; for no question can there be that the extent of it multiplies the opportunities and means of attack, while it diminishes, at the same time, the means of defence. Well, now supposing it should happen, which, I trust, it will not—I do not think there is any immediate cause to apprehend that it will happen—but supposing it should happen that a sudden invasion or incursion was made upon you, what is the force which you could bring to bear upon the south coast of England? Why, if you were to withdraw from the manufacturing districts, from the central depôts, from the metropolis itself, from most of your fortified arsenals, all the men you could obtain, you could not bring to bear upon any one point five and twenty thousand men: and you would then have to leave the rest of the country, the metropolis itself, and your Queen's palace, to the defence of your pensioners and the police. Now, then, I ask you whether that is a state of things in which this country ought to be left? I know it may be said by the hon. and gallant Member for Westminster (Sir De L. Evans), "You have the hearts of Englishmen, who would rise in a moment if any thing of that kind took place." Sir, I hope I am not backward in placing confidence in the spirit and enthusiasm of the English people; but no one knows better than the gallant General himself that something more than spirit and enthusiasm is needed for the defence of the country—that unless you have the drill, the patience, and the discipline of the soldier, you cannot expect any one to be steady under arms. But then, it is said, "Look to the Navy; have you not ships enough to cover the coast?" I think it was said by a gallant Admiral in this House (Admiral Berkeley) that you had ships enough to cover the whole of the south coast. Granted that you have the ships; but have you men in them? And if you have ships enough, will you vote money enough to enable the Government to put them all in commission and man them? Your ships in commission on the home station at this moment are nine line-of-battle ships, five frigates, one sloop, nine steamers propelled by screw, and eight steamers propelled by paddle. I am not disparaging that force, nor do I say that it would not be amply sufficient to prevent a sudden incursion. What I say is this: The assailing party always has an advantage over the defending party, inasmuch as the assailing party can concentrate his force and select his own point for attack; whereas the defending party must scatter his forces over a wide surface, and is altogether wanting in these advantages; and if your ships are withdrawn from their stations for a moment, or if an invading squadron elude the vigilance of your cruisers, then, unless you have a covering force by land, you cannot be in the position in which a great and wealthy country ought to be. So much, then, for the present state of your troops. Now, I say that is not sufficient. I now proceed to the second class of objectors. They say that there is no immediate necessity for this preparation, because there is no immediate danger. Now, whatever, argument is to prevail in this House, I trust that argument will not be the one which will do so. The postponement of your preparations for defence is always open to two great disadvantages. First of all, if you have to make your preparations in a time of panic, that necessarily provokes and increases the panic, and probably hastens the rupture which you intend to avoid. In the second place, preparations which are made in sudden haste are always sure to be less perfect and more expensive than if they were not made in a time of panic. In short, the time for preparation and the time for action ought never to be simultaneous. Will the House permit me to read some remarkable words of one of the greatest statesmen, perhaps, that ever lived in this country, which have made an indelible impression upon my mind in reference to this subject. I think they are words which should never be forgotten. These are the words of Edmund Burke:—

> "Early and provident fear is the mother of safety. For in that state of things the mind is firm and collected, and the judgment unembarrassed; but when fear and the thing feared come on together and press upon us at once, even deliberation, which at other times saves, becomes one's ruin, because it delays decision; and when the peril is instant, the decision should be instant too."

Those are words of prescient wisdom; and nothing, I trust, will make us ever forget them, or lead us to throw upon this country the possible risk of having to pay a heavy price for neglecting to apply them. Sir, the third class of objectors to the observations which I have been making to the House, are those who think that you ought to increase your Army and Navy. Now, there are two answers to that class of objectors, one of which is applicable to the increase of both those forces, while the other is applicable to the increase of either taken separately. The first objection to the increase of the Army and Navy, taken together, is that it must necessarily add a great permanent additional expense, and then, if your revenue should be doubtful hereafter, the House of Commons might not sanction the continuance of that expenditure. The second objection is, that both your Army and Navy are instruments of attack as well as defence, and that if you increase your Army and Navy, you will raise suspicions and provoke jealousy amongst other Powers, even at the moment when you least intend to do so. Now both those objections I conceive to be fatal to the proposition for increasing the Army and Navy; instead of having recourse to some such plan as that I now submit. With reference to the Navy, if I am right in the observations which I have addressed to the House, no force of that kind can be adequate unless you have also a covering force by land, to protect you in case of foreign aggression eluding your ships; and with regard to the Army the objections to a large increase were put so forcibly by the noble Lord the Member for Tiverton (Viscount Palmerston) the other night, that I hardly need repeat them. I refer especially to the objection that, such are the feelings and habits of the people of this country in regard to a large Standing Army; and that if a large increase were made, depending, as it would do, on a Parliamentary grant, it would probably not continue many years. Well, now I think I have shown you, first of all, that the defences of the country are not what they ought to be; and, secondly, that the objections which have been made to any increase of them, whether by saying that we should wait till danger arises, or that we should add to our Naval or Military Establishments, are not sufficient objections to prevent you from considering to what you shall have recourse for the purpose of protecting your shores. Now that leads me immediately to consider whether you ought not to have recourse to your national militia. There are many reasons which make that force far preferable to any other. In the first place, it is a force that is familiar to the country. It has existed in this country for 200 years; and though happily through the long peace which has prevailed we have had for a considerable period no necessity for calling it out, yet its name, its character, and its organisation, are familiar to all. In the second place, by your law you have actually a militia at this moment. You only suspend the law for calling it out; and if you did not suspend it by an annual Act of Parliament the ballot would be resorted to the very next year. In the third place, your militia has done good service to the country. It is a force from which you have been able to recruit for your regular Army; and it ought not to be forgotten that it has taken a prominent and a glorious part in many of our engagements. Why, I was reading the other day in Napier's *History of the Peninsular War*, in reference to the battle of Talavera, that of the 16,000 Englishmen who were engaged in that battle, a very large part were drawn from your militia at home; and they had gone into Spain so recently before the engagement, that a great portion of them had some of the accoutrements of the militia regiments to which they belonged. Now, the advantage which the militia have over the regular Army in the object I have now in view, is, that a soldier's life is so inconsistent with the feelings and habits of the civil portion of the community, that an increase of the Army would necessarily be unpopular. But a militia have, in fact, a double character; in the first place, they are defenders of the country; in the second, they are contributors to its prosperity; they mix with all other classes of citizens as soon as their military occupations are over, they are seen living under the same laws, and pursuing the same callings as their fellow-subjects. Well, then, it may be said—" What! are we to have a militia, with all the evils and hardships which attend it? Are we to draw away people from their industrious pursuits, whether they will or no? Are we to give an advantage to the rich, who may escape from this service with comparative ease, by paying a sum of money to procure a substitute; and are we to force the poor man from his home, or else drive him to the necessity of selling his goods, his furniture, possibly even his tools, in order to escape from this forced conscription?" No, Sir, I say you ought not, except in case of extreme necessity. Well, then, if you ought not to have recourse to that, in what mode—since you ought not to add to your Army and Navy—in what mode should you provide for your defences? Now, perhaps, the House will pardon me if, for a few moments, before answering that question, I refer to the law as it has been, and as it is, in reference to this constitutional force. In former times this country was defended by commissions of array. The militia dates, in its Parliamentary provisions, from the reign of Charles II. At that time the lord-lieutenants of counties were to select, in proportion to the people's means of contributing towards the force, either a horseman with arms, or a foot-soldier with arms, or a proportionate sum of money, where the means of parties were so small that they could not thus contribute towards the defence of the country. By the Act of Parliament the militia was mustered and trained in regiments once a year for four days together, and in companies four times a year for two days together. So the law continued till the reign of George II., when danger being over it was thought that this force might be dispensed with, and it was dispensed with. Danger, however, came again upon the nation in 1756, and what did Parliament do then? You cannot have forgotten the appeal made to you by the noble Lord the Member for Tiverton, and I think he might have referred to this in confirmation of his argument: "What," said he, "if you will not protect yourselves, if neither the Scotch, nor the Irish, nor the English have courage enough to protect themselves, will you go to Russia, or to Austria, or to some foreign Power for mercenary aid to defend their shores?" The noble Lord might have referred to the fact that, in 1756, Hanoverian troops were brought to England, and that so greatly did the people of this country feel the disgrace to be, that the very next year saw the passing of the Militia Bill. So the law continued till 1802, when the various alterations which had been made were consolidated together by the celebrated Act of Parliament 42 *Geo.* III., c. 90. The ballot still remained; but there was a clause in the Act enabling parishes in vestry to provide their quota by means of a bounty to be paid to volunteers; and I beg the House to attend to this fact, that in pursuance of that provision, from 1809 to 1814, no fewer than 64,500 men were drawn into the Army from the trained volunteers. That is some encouragement to those who are in favour of the militia. Well, after the peace it was no longer necessary to call out the militia, though it has been balloted three or four times since. Since 1831 there has been no ballot; but though there has been no ballot, do not let the House run away with the notion that we are paying nothing for that force. The expense last year was 83,000*l.*; and surely it is better, instead of wholly throwing away that sum, to make it available for the purposes of the national security. I have referred to this history of the Militia Act for three reasons, and I desire to draw three lessons from it. The first is, that the present measure is an improvement on the old Bill, by which people were not compelled to pay for this force in some respect according to their means. I have referred to this history also to show, that unless you provide a military force sufficient to protect yourselves from any danger that may arise, you may find again that you must have recourse to foreign aid, and the country will feel the disgrace of such a proceeding so deeply, that it will at once have recourse to the militia. My third reason for referring to it is to prove that the ballot is accompanied by great severities, great hardships, and great inconveniences, which may all be got rid of by voluntary enlistments. Having stated this much, it will at once be clear to the House, in which direction Her Majesty's Government are inclined to look for the purpose of raising a military force for the protection of the country. In other words, we propose to do it by raising, through the means of volunteers, a sufficient force for the purposes of defence, and not to fall back on a compulsory conscription unless voluntary enlistment should be found to fail. But I think, at the same time, that the great principle of the Act of 42 *Geo.* III., c. 90, ought to be maintained — namely, that this force should be rendered effective by drilling and training, so as to be in readiness, at a short notice, for the internal defence of the country. These are the two great principles on which the measure is founded, which I shall now take the liberty of explaining to the House, and which Her Majesty's Government submit to your consideration. The measure may be considered in these five points of view: first, with regard to the mode of raising the men; secondly, with regard to the officers; thirdly, with regard to the term of training and discipline; fourthly, with regard to the pay and the consequent expense of the force; and, fifthly, with regard to the period for which they shall be enlisted, and the circumstances under which they shall be employed. As to the first of these five points, on the best consideration we have given to the subject, we think that the additional force which should be permanently established for the defence of the kingdom, is 80,000 men. We think that to raise that force in one year, would be open to two objections: in the first place, it would cause the expenditure of a very large sum by means of bounties to raise the whole of that number in one year, and therefore we propose to limit the number in the first year to 50,000, and to take 30,000 in the following year; and in the second place, another advantage will be derived thereby, namely, instead of having all the periods of service terminating at the same time, they will terminate at different periods, and consequently there will always be some trained men in the force. We propose to raise these men, if we can, by means of bounties, which may be paid either in one sum at the time of enlistment, or, which may be a great convenience to a vast variety of people, particularly to the agricultural labourers, by means of regular monthly sums. I will state this point more clearly by and by. We propose that this should be regulated by the Secretary at War, and not regulated by Act of Parliament. Many men might wish to have the whole paid down to them—say 3*l.* or 4*l.*—others might wish to have it in payments of 2*s.* or 2*s.* 6*d.* a month. The latter, though it would amount to more than the sum to be paid down at once, would, if spread over a period of five years, be a great advantage to the country, and a great convenience to the persons who would have to receive it. We therefore leave it to the option of the men to take the payment one way or the other; subject, however, to such regulations as the Secretary at War may make respecting it. With regard to the officers, there are high qualifications required by the Act of 42 *Geo.* III. We think that these qualifications may be dispensed with for all officers below the rank of major. We further think that it must be of great advantage to have the militia officered by men who have served in the Army, and who are now on half-pay; and so propose that all officers who have served in the Army who may enter the militia shall be considered to possess the qualifications required for the higher grades. With regard to the training and discipline, the House is aware that by the present law the men may be called out for training and exercise for twenty-eight days. From the best information we have been able to obtain on this subject, we think that as an ordinary rule twenty-one days may be sufficient, provided there is power of extending that period; for we think that there are certain cases of emergency, when it would be most advisable to extend that period—and in other cases, there may be circumstances when it would be advantageous to reduce it. For this reason the Bill will provide that the ordinary number of days for training and drilling shall be twenty-one, with a power to the Crown to extend it, in cases of necessity, to fifty-six days, and also a power to reduce it to three days, if the longer period appear unnecessary. With regard to the circumstances under which the men are or should be embodied, we propose to alter the existing law in one respect. The House is aware that the men are embodied by the existing law in cases of actual invasion or imminent danger thereof, and also in cases of insurrection or rebellion: we propose to limit it to actual invasion or imminent danger of it. We propose that this provision shall be inserted in the present Bill, and that these shall be the circumstances under which the militia shall be embodied. With regard to the expense that will be incurred, it will be heavier in the first year, from the necessity of providing for the bounties, and also of providing for the equipment and arms of the force; but if you spread the expense over the whole period of five years—and I have the details, which I will furnish to the House, if they wish to have them—it will amount, in the whole, to 1,200,000*l.* or somewhat less than 250,000*l.* annually. In the first year, in consequence of having to provide for the bounties, the equipments, and the arms, the expense will be 400,000*l.*, or between 300,000*l.* and 400,000*l.* Now, we look upon this as a national force; and since it is to be a national force we consider that another great alteration ought to be made in the law as it now stands; in other words, we consider that the expense ought to be borne by the public funds, and not by burthens on the local properties; it would be hard upon particular districts that they should have to contribute out of local property towards such an expense if the object of the force is a permanent and national one; but, at the same time, we think, that if any district fails in furnishing its proper quota, for that neglect it ought to be punished; and it has occurred to us that the hardship and severities of the ballot, together with its expense, should be thrown upon that district. Such is the measure, in a short compass, which Her Majesty's Government have now to submit to the consideration of the House. The reasons for it, and the objects we have in view, I think I have explained, or at least I have endeavoured to explain, in the course of the observations I have made. There is one objection, however, which I think I ought to mention. That objection is, that by raising so large a force of volunteers, we may interfere with the recruiting for the Army. That would be a most serious objection. We have consulted the military authorities on the point, and we are informed, and I believe correctly, that that objection, if not entirely done away with, will be greatly limited by the provisions which we intend to make with reference to the ages and height of the men. The House is aware that a recruit enlisting in the Army must not be more than 25 years of age, and that the standard of height is 5 feet 6 inches. We propose that the ages during which persons may volunteer or be balloted for, shall extend from 18 to 35 years. The consequence is, that with regard to those men who are upwards of 25 years of age, we shall not interfere with the recruiting for the Army, and as to those under that age, we shall not prevent them from enlisting if so disposed. With reference to the question of height, I may observe that the standard required by the present militia law is 5 feet 4 inches. The standard of height of the Russian infantry of the line is 5 feet 4 inches, in France it is 5 feet 1 inch English measure. [*Laughter.*] Hon. Gentlemen may laugh at that; but, though I am speaking in the English House of Commons, we ought never to forget that a nobler or more gallant soldiery never existed in the world than the French soldiery —and if we find that this people, who have fought throughout the length and breadth of Europe, have taken into their armies men of 5 feet 1 inch, we ought not to assume the military capacity is not to be found in men of 5 feet 2 inches—which is the height we propose to take—or that it is too low a standard. I am well aware that this is a subject which I am little competent to explain, and it contains in itself so many difficulties, that I may not have explained myself as clearly to the House as I should have wished; I have endeavoured, however—

Lord JOHN RUSSELL: What is the period of service?

Mr. WALPOLE: Five years. I have endeavoured, however, to give you a plain and simple account of the facts of the case, as I believe them to exist with reference to the state of your internal defences. I think I have shown you that there is an absolute necessity for some improvements in your defensive armaments, if you intend to secure yourselves against all the casualties to which nations like individuals are equally liable, and to diminish at least, if not to prevent, the chances of danger by provisions made in time of peace. I have offered to you reasons, political and financial, which we believe fully prove that you cannot add to your defences either by increasing your Navy or your military establishments; and seeing these facts, I know not to what force you can have recourse except that which is a constitutional and a national one—a force which has already done you great and good service—the regular militia, a force which, while it will relieve individuals from all the inconveniences of the former arrangements, will secure to the country all the advantages which it has formerly derived from that body. If you accept this measure, I trust you will assist us with your counsel and support in accomplishing the object which we must all have in view, that of preserving to this country a permanent and effective defence, combining together in the anxious desire to put the people to as little constraint as you possibly can, and also to interfere in as small a degree as you are well able to do with their ordinary pursuits and industrial occupations. But I must say, if you reject this measure from any false or mistaken notion of a parsimonious economy—if, from what I must consider the vain supposition that you will have time to provide against danger at the very moment when it bursts upon you—if you should persist in an overweening confidence in the assumed impregnability of your insular position, permit me to warn you that you may be deceived. In any case we shall have the merit and the satisfaction of knowing that as a Government we have endeavoured to do our duty; and, unless you assist us in adding to our security, I must add, the whole responsibility of leaving thecountry in a defenceless state will rest with you and not with ourselves. But I am persuaded that you will not say, and that the people of this country will not say, that you will be doing right in throwing up a plan which has so many advantages and so few inconveniences; the country will tell you, "We will not sacrifice for a pecuniary motive the perfect security of our hearths and our homes; we will not grudge a small annual expense when we know that possibly we may have to pay a far heavier and far more disgraceful impost, to be levied upon us by a foreign Power. No; we will stedfastly maintain the honour and independence of the country, with which our liberties are inseparably united—we are bound by the duty which we owe to our ancestors, to preserve the freedom which they have transmitted to us, as well as to our descendants to whom we have to transmit it; and we know full well, that all our resources, our national character, our national privileges, our present blessings and our future hopes

—I may even say, our future existence as a nation—depend on the wisdom, the foresight, with which Parliament shall provide for our national defence." Knowing that this will be the feeling of the country, I feel you will give a patient consideration to the measure which I have now the honour to submit to your consideration. The right hon. Gentleman concluded by moving—

"That in pursuance of the order of the 20th day of February last, 'That leave be given to bring in a Bill to amend and consolidate the laws relating to the militia;' Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, and Mr. Secretary at War, do prepare and bring in a Bill."

Motion made, and Question proposed, "That Mr. Secretary Walpole, Mr. Chancellor of the Exchequer, and Mr. Secretary at War, do prepare and bring in the Bill."

MR. HUME said, he could assure the right hon. Gentleman that he need be under no fear that he had made a distinct and clear explanation. His statement had been perfectly intelligible, and he (Mr. Hume) understood every proposition which the right hon. Gentleman had laid down, although he could not at all agree with the reasoning on which the right hon. Gentleman had grounded them. He (Mr. Hume) had never found that House unwilling to vote whatever number of men was proposed by the Government for the Army, and believed that during the whole period he had been in that House, no Motion had ever been successful in resisting a proposition of the Government in that respect, however absurd or preposterous it might be. He therefore despaired in any expectation that the House, constituted as it was at present, would afford even a patient hearing to any observations he might make on the proposition of the right hon. Gentleman. By introducing this measure they were about to violate one of the maxims which a statesman should always uphold—that of husbanding their resources in time of peace, and, by placing their finances in a proper condition, preparing for the time, if it should ever arrive, when they would be called upon to defend themselves. No ground whatever had been shown to justify this measure; the panic which had existed a few weeks ago had completely subsided, and there was not an old woman in the country who now apprehended the slightest danger. We were on the most amicable terms with France, Russia, Belgium, and other States—no danger of an immediate attack had been spoken of by the right hon. Gentleman; and why, then, should the House insist upon raising this large force. The only argument urged by the right hon. Gentleman was based upon his own imaginary fears of some hostile attack that might some day, at some point, be made upon this country; and he had put forward this fallacy, that because Russia could muster 600,000 men, and France could muster 400,000, England, having a territory equal to nearly one-sixth of the whole habitable globe, ought to have an army of 300,000 or 400,000 men likewise. Now even if that argument were not altogether erroneous, why was it that the right hon. Gentleman had taken no account of the 250,000 men which we already had in our Indian possessions? Her Majesty's Speech, at the opening of the Session, assured them that this country was in amity and at peace with all foreign Powers; and yet the Government came forward to ask for the enrolment of a new force of 80,000 men in addition to our regular troops, to ward off an apprehended danger. No grounds whatever for alarm had yet been assigned—no specific or threatened attack from any foreign Power had been mentioned in the whole course of the right hon. Gentleman's address. Why, then, was the country to be called upon to go to this extraordinary increase of expense of nearly 500,000*l.* a year? In round numbers, the House this year had voted 102,000 men for the regular Army, 15,500 for the artillery; 39,000 had also been voted for the Navy, to be actually embodied, with 5,000 more as a reserved force; and altogether, including police, coast guard, and other irregular forces, there were 232,000 men paid by the public, who might be applicable in case of need. Yet, with all this force, the right hon. Gentleman stated that he could not muster 25,000 men. How was that? There were 40,000 men, he (Mr. Hume) admitted, in the Colonies; but why not bring them from the Colonies, where they were not required? Why, for instance, did they keep in Canada at this moment from 8,000 to 10,000 men, when we had declared that Canada should be left to manage their own affairs? They heard nothing of any Power threatening to attack any one of our Colonies, and if we would only give the colonists the rights of self-government for which they asked, they would bear the burden of defending themselves. Our Estimates this year for the Army, Navy, and Ordnance, were upwards of 14,000,000*l.*; and he doubted greatly whether the French Estimates cost so much, certainly those of Russia were not so enormous. Great, however, as was this outlay, the right hon. Gentleman told them, although we have 250 sail of vessels, we could not muster more than nine line-of-battle ships, eleven frigates, one sloop, and nine steamers of one class, and eight of another, making the total of ships on the home station only thirty-eight. Why then did they have so many ships cruising in distant waters, where they were useless, if they really were wanted at home? He held in his hand a return of the ships in Her Majesty's stations in the year 1848, since which period a certain number, but not many, had been called home. All that time we had 39,000 men, and 235 sail in commission; among which were thirty-five vessels on the coast of Africa, and thirty-one men of war in the Mediterranean. On the coast of South America we had twenty-six ships more; and at the East Indies we had twenty-five sail, one-half of which, he was confident, would be quite sufficient. Let the number of these vessels that could be spared be recalled home, and then we should have enough to surround the whole of our coast. Then, again, we had 6,000 efficient men belonging to the preventive service, and the large body of pensioners who were lately enrolled. We had also recently enrolled the dockyard battalions, a corps who would make much better soldiers than any militia that had had twenty-one days' drill. The cost of the dockyard battalions was 70,000*l.* the first year, and 30,000*l.* a year afterwards. Why, with all these resources, he (Mr. Hume) would undertake himself to call together 25,000 men, without touching a single man of the regular Army. Besides, the facilities of railway communication made the services of troops more readily available, by enabling them in the shortest space of time to be concentrated on any given point. But he had not done with the enumeration of our disposable forces, which, if they were made useful and properly turned to account, would render a militia totally unnecessary. The number of our marines had been lately increased in order to set loose the services of the regulars; and altogether the aggregate of regular forces at present maintained by the country amounted to 161,000 men; and the irregulars to 48,724; making together nearly 210,000 men. Nor was this all. We had 10,000 policemen in the metropolis and in the country, and, if necessary, why should they not be disciplined and prepared to act in conjunction with the regular troops? Then, again, in Ireland we had also 12,000 armed police, far better than any militia; so that he made up a grand total of 232,000 men, including the police and the other irregular corps he had named, all already in arms, or ready to bear arms, and now paid by the country. At present we had a weight of taxation, amounting to 56,000,000*l.* annually, pressing upon the springs of our national industry; and now, in a time of peace, it was proposed to add another 500,000*l.* to this crushing pressure, because, forsooth, after all that we had paid on our armaments, the country was said to be destitute of the proper means of defence. But, let it be remembered, if we were to have the militia enrolled, that as many as sixteen classes, including the gentlemen of fortune and of ease, and all the well-to-do were to be exempted from personal service; and the duty of protecting the property of the rich would be imposed upon the poorer members of the community. The system of balloting would involve the greatest hardships, such as was the case in the year 1831. A well-known instance was that of a shoemaker named Lovett, who was balloted in 1831, and having refused to serve he was taken before a magistrate. As he declined to find a substitute at a cost of one shilling a day out of his scanty earnings of only from three to five shillings, his goods were seized; but such was the feeling excited by the injustice and hardship of his case, that for three months no one could be induced to purchase them; and after remaining in the hands of the broker for five months, they were sold as unclaimed property for poor-rates, and Mr. Lovett never heard any more of them. From that hour Mr. Lovett became a reformer, and had remained so ever since. Such was the excitement caused by his resistance, that the balloting for Militia was put an end to through the country, and from that time to this had never been recurred to again. We had now in the pay of the Government 232,000 men; and our coasts were surrounded by 6,000 men of coast guard, with thirty or forty cruisers for revenue purposes. Now this latter force was quite applicable as a means of defence, and as they were quite willing to volunteer, would it not be better to make them available than to take on new men? He thought that at all events, before the people were called upon to be balloted for the militia, or before a shilling was expended for that force, the best use should be made of our present forces, which was not yet the case. Our present panics were not due, as in times past, to the old women, but to our having too many clubs about London, with so many half-pay officers about, who had nothing to do but to look about for employment for themselves and their friends. These were the people who wrote to the newspapers, anxious to bring grist to the mill somehow or other. This was the result of that lavish promotion of officers, in consequence of which we had not now employment for one in seven of them; and after forty years of peace, our non-effective list now costs as much as our whole military establishment in 1792. We ought to retrace our steps, and in future promote no more officers than were actually required. Why did not we take a lesson from the exhausted state of the Continent? And why should we now be alarmed because Louis Napoleon had been appointed President of the French? What business had we there? It was for the French people to judge with respect to their own Government; and if their President ordered them to walk on their hands instead of their feet, and they chose to do so, what was that to us? He believed that, notwithstanding the increased rapidity of transit in consequence of the introduction of steam, we had nothing to fear, for so long as we knew in London within five hours whatever was done on the Continent, and wherever any increase of force had taken place, we should have notice in ample time to provide for our defence with such forces as we had already at command, or were readily available. The right hon. Gentleman the Secretary of State had very properly said that our money had been wasted on the militia staff; on which perfectly useless body 8,500,000*l.* had been expended since the peace, without any benefit whatever. For, if it was requisite to enrol the militia, the Government would not employ this staff to drill the levies, but would select from the regular Army men of experience and capability. When the Marquess of Lansdowne was at the Home Office, two or three of the ablest officers in the service, on being asked, gave their opinion against keeping up either this staff or the volunteer corps; and all but one or two of the latter bodies were disbanded. The sooner that it was put an end to the better; the interest of the money that had already been spent upon it would now have kept up a force of 50,000 or 80,000 men. The plan of the present Government proposed to extend the injustice of the militia force over a larger space than that of the late Government; but he wished to know whether the former exemptions from service were still to be adhered to? Unless we had arrived at the period when equal justice was to be done to the poor as to the rich, the Government would by this measure light up a flame which, as in 1831, would be too hot for its authors to come near. He did trust, however, that they would yet desist from the scheme, and, taking into consideration the immense amount of our present taxation, the great force that we had now at command, and the increased means of defence which a more judicious disposition of that force, and a more judicious expenditure of the money now expended upon it, would give us—that they would come to the conclusion that they had at present resources both in men and money if they were properly applied. He believed that after forty years' peace, and in the present friendly state of our relations with foreign Powers, there was no reason why we should entertain any fear, and under its influence proceed to load still further our already overburdened finances; he never knew of any war occurring without provocation, and we neither had done nor intended to do anything to provoke either France or Russia. The right hon. Gentleman the Home Secretary said that the Government did not intend to have recourse to the ballot except in case of necessity, and he believed that whenever it was recurred to, the reasons against it would be found so strong that a constitutional Government would be obliged to desist from the attempt to enforce it. We were now in quite a different state from that in which the country was when the militia force was originally introduced. Every man was now applied, on the principle of the division of labour, to the purpose in which he was most useful to the country; and that was a strong argument against taking a man from home to serve on the militia. He held it inexpedient, in a moral point of view, that any Government should put in action the demoralising influences which must arise from the collection together of such an embodied force as the militia; and this was particularly the case when, as in the present instance, they proposed to collect together the riff-raff whom they had obtained as volunteers by bounty, together with the honest and virtuous whom they had compelled to serve by ballot. He should not oppose the introduction of the Bill, as he had not resisted the introduction of the Bill of the noble Lord the Member for the City of London, and he thought that the Government should be allowed to lay it on the table, that its full bearing might be seen; but he thought that, after the country saw what was intended by the several clauses, and after they had read the despatches which had been just laid on the table, and which showed that our relations with foreign Powers were much more friendly than at the commencement of the Session, the right hon. Gentleman would have some difficulty in inducing the House and the country to sanction the second reading, unless arguments were adduced of a much stronger character than had hitherto been brought forward.

Sir De LACY EVANS said, he had a notice on the paper of a Resolution which he had intended to move with reference to this subject, provided the Motion for the introduction of the Bill were agreed to; but, understanding from Mr. Speaker that it would be irregular to move it on the present occasion, he begged to say that he should postpone it till the second reading. In the meantime he would take the liberty of saying that he greatly doubted the propriety of the plan proposed by the Government. The right hon. Gentleman the Secretary of State for the Home Department had stated that it was not possible to concentrate more than 25,000 men for the defence of the metropolis in case of attack; but he believed that he should be able to show that we had a greater body of troops disposable in case of necessity. [Mr. Walpole: In this country?] Yes, in this country. The right hon. Gentleman had stated as some reason for this preparation, that the attacking party had an advantage; but if that was the case, how was it that the weaker party always resorted to the defensive? He had no hesitation in saying that in case we were put upon our defence, we should prove that we had very material advantages, and that any attacking Power would rue having put us to the test. The right hon. Gentleman reminded him of a French officer who turned out his company, and telling them there was a desperate duty to perform, invited them to step forward and volunteer. Not a man stepping from the ranks, "Ah," said he, "you rascals, you won't volunteer, but you shall go notwithstanding." So if the people of this country will not take the 3*l.* or 4*l.* bounty, they will be balloted for notwithstanding. He thought their obtaining by bounty many out of the 50,000 men they required was very doubtful. He thought the distribution of our naval and military force was at present very unsatisfactory, and that it might be made much more available for the defence of the country. The right hon. Gentleman rather threatened the House that unless some steps of this kind were adopted, we might be obliged to resort to foreign nations to supply us with our means of defence. That was a gratuitous and uncalled-for affront to the people of this country, which, he believed, was never at any period of its history in a better and more adequate state of defence against any foreign attack. He believed that all we had to do was to defend ourselves against some sudden and foolish incursion. We should always have notice in ample time to defend ourselves against an invasion by a large armament. And although steam, undoubtedly somewhat facilitated the transfer of troops from the opposite coast irrespective of weather, it also gave us the means of rapidly concentrating all our forces all over the country. He did not object to the consolidation of the militia laws; he believed that they were now in a very unsatisfactory state, and that if they were allowed to remain on the Statute-book at all, they should be amended; for at present, although Government had the power to levy the militia, this could not be done under nineteen or twenty weeks. He thought that no person would object to giving the Government power to resort to this, amongst other means, of defence in case of necessity, or in case of any real demonstration of hostility; but he thought that there was no necessity for calling out the militia at present, and that by availing ourselves of the means we had, and by inviting the co-operation of volunteer corps, we should be on a better footing of defence than by adopting the uncertain proposition of the right hon. Gentleman. The right hon. Gentleman had said nothing about the clothing of the militia. Were they to be clothed like the regular Army? [Mr. Walpole: Yes.] Would the cost of the clothing included be in the 400,000*l.*? [Mr. Walpole was understood to reply in the affirmative.] The Government appeared disposed to refuse the offer of the services of volunteer corps. That was a very important subject, and he did not think the House would permit the progress of any Bill of this description, requiring an advance from the national funds, until they understood on what grounds the Government refused the gratuitous services of the volunteer corps. He trusted, therefore, that the right hon. Gentleman would give some explanation upon that subject.

MR. MILNER GIBSON said, that he rose principally to ask Her Majesty's Government whether they would not consider it a judicious course to postpone any future proceedings on this measure until after that appeal to the country which they were told was shortly to take place. He said this because the right hon. Gentleman the Secretary for the Home Department did not submit to the House that there was any peculiar emergency which called for this measure, or that was of a temporary character, but that it was founded on a permanent policy, and had been maturely considered. Those being the grounds on which it was brought forward, he thought those who were opposed to it were entitled to bring to their aid the opinion of the constituencies of the country. If they were about to commence a new system of policy, and it was to be of a permanent character, as they were on the eve of a general election, it appeared to him that there was nothing so reasonable as to wait for the verdict of the country on the measure which had now been proposed. That was the course which the Government had pointed out as proper to be pursued on other branches of their policy. With regard to their commercial policy, they had said it was to be decided by the verdict of the country; and again, as regarded the settlement of our relations with the Roman Catholics, they were to await the verdict of the constituencies. He (Mr. M. Gibson) said, therefore, that in matters connected with the defences of the country, which were not called for by any pressing emergency, and were to be permanent in their character, they should also await and be guided by the judgment of the constituencies. He had listened to the speech of the right hon. Gentleman (Mr. Walpole), and, although he had appealed to the noble Lord the Member for Tiverton (Viscount Palmerston), and seemed to calculate on receiving his support, yet, as he (Mr. M. Gibson) understood that the measure did not extend to Ireland and Scotland, the right hon. Gentleman might perhaps be asked by the noble Lord, as the noble Lord on a previous occasion had inquired whether Scotland was not treated as if Scotchmen were cowards, and Ireland as if Irishmen were traitors. The right hon. Gentleman ought not, therefore, to anticipate the support of the noble Viscount. The noble Viscount had turned out one Government on this question of the militia, and the best atonement he could make was now to turn out another upon it, as the present measure must fall as far short of his views as that introduced by the noble Lord lately at the head of the Government. He (Mr. M. Gibson) did not understand what the measure was. Were substitutes to be allowed or not? If substitutes were to be allowed, what did the Government propose to do, and what measures would they adopt for securing the services of those substitutes? They were told that a bounty was to be given to men to come and be trained for twenty-one days in every year. But where was the security that on an emergency those men who had received the bounty would be forthcoming? It would be necessary to go to an enormous expense in running about to look for the substitutes, and while a foreign army was marching on London, our authorities would be running about to find the men who had taken the bounty, or their substitutes. If there was to be a regular militia, it must be kept embodied, or it would be useless as a force for any real purpose. Again, where were the men to be put when they were got? There would be 80,000 men raised, who were to be assembled for twenty-one days in every year. Where were they to be put? Were there barracks to be provided for them? In the Local Militia which had been proposed, he could point out the arrangement which had been made in this respect. By that it was enacted—

> "That it should be lawful for mayors, bailiffs, and justices of the peace, to quarter and billet the officers and men during the times they should be called for exercise, in inns, livery stables, alehouses, and houses licensed for selling brandy, strong waters," &c.

Was this the present plan? Were they going to fill our country towns and all the public-houses and beershops with the class of men who would accept the bounty or become substitutes? Would such an arrangement be acceptable to the moral and religious feelings of the community? He believed that most thinking people would prefer an increase to the regular Army. They believed and thought that the days of the militia had passed by, and however applicable it might be to the days of George the Third, it was not fitted for the present time. They would rather make the Army a separate profession, than in this age of advancement in commerce and in art, there should be an interruption to the progress of industry by taking men from their pursuits in this way. He would take the liberty of quoting an opinion from the works of Archdeacon Paley, and although the authority of a divine did not seem the most applicable to a military question, yet he was an authority who might be quoted on any subject.

> "That the profession of a soldier always unfitted a man for any other; and that out of three inhabitants of a village it would be better for one to be a soldier by profession than that the whole three should be husbandmen at one time and militiamen at another, as in the one case you would get one good soldier and two good husbandmen, and in the other you would get three idle militiamen of profligate pursuits."

He (Mr. M. Gibson) agreed with the right hon. Gentleman the Secretary for the Home Department, that a Minister of the Crown who had not the courage to propose to Parliament any force which he thought necessary for the safety of the country, was unworthy of the position which he held. But in saying this he did not admit that our present force was inadequate. The reason why the Minister of the Crown was not able to induce the people to consent to add to our regular Army, was because he could not make out a case for any such addition. He (Mr. M. Gibson) did not think that the people would be very easy if there were any imminent probability of their homes being invaded, or their country subjugated. Far from it; but they did not agree with the grounds on which the Bill of the noble Lord (Lord John Russell) was brought forward, because the Minister of the Crown was unable to produce any cogent reasons in support of it. So now he (Mr. M. Gibson) maintained that there were no facts to justify any increase to our standing Army, and still less for the establishment of the militia. He trusted that as there had been an ill fortune attendant on all former attempts to procure the adoption of the militia system, the same ill fortune would pursue this measure. There had always been a party which had been trying to get back the establishment of the militia. The noble Lord the Member for Tiverton had stated that three years ago he had tried to persuade the Government to do so. In 1831 an attempt of that kind was made, but the Government was frightened out of it, and it was given up; and similar efforts had been made in 1846 and 1848, and with the same result, although on the last occasion, as the noble Lord the Member for London had very properly said, it had the disadvantage of being accompanied by an addition to taxation; but, even without that accompaniment, it would have met with the same fate. He hoped that the present measure, like the others, would be defeated. He would appeal to the Government to let the country have an opportunity of giving an opinion on this proposal before they attempted to pass it into a law.

VISCOUNT PALMERSTON said: Sir, I am not going to answer the call which has been made upon me by my right hon. Friend who has just sat down; for, so far from opposing this measure, it is my intention to give to Her Majesty's Government any support in my power in carrying it into a law; and I cannot but compliment the right hon. Gentleman the Home Secretary, for the very able, forcible, and, to me, satisfactory manner in which he has placed his proposal before the House. Sir, it is impossible to overstate the necessity for some permanent arrangement of this kind. It is all very well for Gentlemen to talk of the amount of our army, including in that term our troops in the East Indies and in our scattered Colonies in every part of the world, and then to tell us that that army is available in defence of the United Kingdom. Why, it is perfectly absurd to make use of such arguments; and I am surprised that hon. Gentlemen should rise one after the other to endeavour to persuade us that a military force, scattered and dispersed as ours is in various parts of the world, is available for any purposes of defence at home. The hon. and gallant Member for Westminster (Sir De L. Evans) appeared to doubt the calculation made by the right hon. the Secretary of State as to the smallness of the number of troops which, in the present state of our military forces, could be brought together for the defence of the capital were an enemy to land upon our shores. I have seen calculations made on that subject, and I am convinced, from what I have seen, and from what I know, that the statement of the right hon. Gentleman was by no means under the mark as to the amount of force so available. I should doubt whether so large a force even as that he mentioned could be brought together within a few days, if it should be wanted. It is true we have a large number of ships; but, as the right hon. Gentleman stated, those ships could not put to sea at a moment's notice, because there were not the men by whom they could be manned. But if those ships were manned and fit to put to sea, yet it is physically impossible that a naval force could effectually prevent the arrival of a large invading force taking advantage of the opportunities which exist. My hon. hon. and gallant Friend (Sir De L. Evans) stated, that in collecting a large force for the purpose of crossing the Channel, such an extensive preparation must be made as would give us ample notice; but he is much mistaken with regard to the want of facilities which neighbouring countries possess for collecting together a formidable force and bringing it over to this country, without our having lengthened, or, indeed, even timely notice. The very ship despatched to convey to this country intelligence of the threatened armament, would probably not reach our shores much sooner than the hostile expedition. I consider it, therefore, an absolute and indispensable necessity that we should have at home some additional force available to meet an enemy, in case any enemy should ever succeed in landing upon our coasts. I do not rest that opinion, however, on any apprehension of danger existing at the present moment. I am willing to admit, to any extent which hon. Members may think I ought, that our relations with other countries are such as to indicate no present danger. If there were present danger, the measure of the Government would be an insufficient one, because it does not provide for any immediate armament, but lays the foundation of a prospective and permanent arrangement, applicable in times to come for purposes of defence. But it is said that if we want really to defend the country, we ought to increase our Army and our Navy. I thought that the right hon. Gentleman the Home Secretary had fully explained, and I have had also the opportunity of explaining, on a former occasion, that it was impossible to maintain permanently any addition to the regular Army that would sufficiently answer for the purposes of defence. The force the Government purposes to raise consists of 80,000 men, who are to be kept up and periodically drilled at an expense only which would suffice for the addition of 8,000 regular troops. Is it not then, better, to have 80,000 men organised, equipped, clothed, drilled, and easily called out in a fortnight, upon an emergency, than 8,000 men, however superior their equipment and condition might be? But there is another consideration which was also adverted to by the right hon. Gentleman, and that was, if any change in public opinion, or any serious alteration in our finances, should take place in a couple of years, which would force the Parliament to abandon the additional cost, we should be deprived of any addition to our regular Army, and lose all the advantage of the expense we had incurred. But with the scheme of the right hon. Gentleman, even although the cost of calling out these men should not be incurred, we should still have this army of reserve enrolled, equipped, ready and liable to serve when any emergency should arise, and we should thus be enabled to add to our regular force 80,000 men; whereas, under the other system, there could be no addition to the Army except by the ordinary means of enlistment. The plan of the Government appears to me to be generally a very good one. I have always thought that voluntary enlistment might be taken advantage of as a substitute for the ballot. It may be deserving of consideration, however, how far the ingenious arrangement of dividing the bounty into monthly payments will operate. Some, no doubt, would rather receive it immediately, and it might be advisable, under certain circumstances, so to pay them; but, on the other hand, monthly payments would give greater security for the future attendance of the recruits. With the exception of that, and of other matters of detail which we shall have the opportunity of considering when the Bill comes before us in a proper shape, I am bound to say that I think the plan proposed by the Government is one which highly deserves the favour and sanction of this House. My right hon. Friend the Member for Manchester (Mr. M. Gibson) says, that I ought to find fault with the measure because it does not provide for the defence of Scotland and Ireland. I did not exactly follow what the right hon. Secretary of State said with regard to that; but the force proposed to be raised would, I suppose, be liable to the obligations of the present Militia Laws, and, under those laws, a force so raised would be liable to serve in every part of the United Kingdom.

I conceive the plan of the Government is one to raise an army of reserve of 80,000 men, partly by a voluntary enlistment, and partly, if necessary, by means of the ballot, to be trained in time of peace, so that on the approach of an enemy to our shores, they would be available for the public defence. In conclusion I beg to state that so far from taking advantage of this proposition to turn out Her Majesty's present Government, I shall certainly give every assistance in my power to enable Her Majesty's Ministers to carry out a measure which I think of the utmost importance.

Colonel THOMPSON had two remarks to make on the opening speech of the Home Secretary. One was, that it had been there laid down, that we ought to be ruled in the scale of our defences, by the state of defence in which other countries were found. He would submit that this was inaccurate. If the Continental countries should choose to cover themselves with a network of fortresses, there would be nothing in this to imply that we ought to do the same. The measure of what we ought to do, was the probability of attack from other countries, and not the state of their preparations against attacks we never meant to make. The other was, that the speech of the Home Secretary had stated, that the Ministers saw no danger from the existing Governments upon the Continent, but they saw great danger from the consequences of some of them being overturned a few months hence, as they distinctly intimated they expected to be the case. Here, then, was a remarkable shift of purpose. The country had hitherto regarded the first as their enemy, and the others as their friends. It had supposed the Militia was to be called out to guard against what might be attempted by an existing ruler in France; but it now appeared it was to guard against those who might put him down. The representatives from the manufacturing districts were under a strong pressure from without, on this question of the Militia, and it was necessary they should be able to give precise answers to their constituents, as to what the danger was, and where it was from. For his own part, using such judgment as he had, he had thought that at one time the danger was considerable; but in the exercise of the same judgment, however feeble, he believed such danger to a great extent to have passed by. The ruler of France was manifestly not getting forward; he was hanging fire. His star was not rising; and in spite of the cheers of corporals and the embraces of *demoiselles de la Halle*, the next thing must be that it would decline. It would further be necessary to tell their constituents, why the proposals from the country to form volunteer rifle corps, had as some of the daily papers expressed it, been "snubbed." Why had the Government said, "We will not have the force that offers to pay for itself, but we will have the force for which the country must pay 400,000*l.*?" Was it that, like Governments on the other side of the water, they did not like a National Guard? He could conceive nothing more groundless than that the Government should conceive any jealousy of the individuals who were likely to form the volunteer rifle corps, or in fact of any other class within the country. It was absurd to believe, for instance, that the working classes wished to see Mr. So-and-So and Mr. So-and-So contesting for the sovereignty, and had not rather see it exercised as now; or that they viewed the Peers as other than individuals of large property, who were quite as good as any others of the kind, and as often found on the people's side as against it. Under all the circumstances, he would join with the Member for Manchester in urging the postponement of the measure till the promised reference had been made to the constituencies.

Lord JOHN RUSSELL: Sir, I am one of those who think that the means of defence of this country ought to be increased. I confess it has never appeared to me a satisfactory reason against increasing the efficiency of our defensive force to say that we are now at peace with all the world, and that there is no immediate prospect of hostilities; because we know perfectly well, from former experience, that though there may be no cause of hostilities existing in the course of one month, two months, three months, or even in the course of any year, yet that cause of hostility might arise which it would be very difficult for the Government and the Parliament so to arrange as to prevent the calamity of war from taking place. I certainly would not rest the necessity of increasing our defences upon the existing Government of France, or the Government of any other country. I think, on the contrary, we ought to consider that the present ruler of France is as well disposed to peace as any other person who might govern that country; but he—like the

Sovereign of this Empire—governs a country where very high feelings of honour are entertained, and where there is extreme susceptibility with regard to that honour being in any respect invaded. Between two such nations—putting aside all other nations of the continent of Europe, and the United States—it is impossible to say that, at any time, causes of hostility may not arise. Let us recollect what occurred some five or six years ago, when no one was dreaming of any cause of war or hostility. We heard that an injury had been inflicted upon a Consul of this country in the South Seas. Sir Robert Peel, then Prime Minister, came down to the House, and said that that injury was a wanton injury, and that reparation must be demanded and obtained. What if the Government of France had said no injury had been committed, and that no reparation could or should be given? There would have been a grave cause of hostilities at once springing up. The Government of France, however, were disposed to pacific counsels; they admitted that some injury had been committed; and the Government of this country asked for some very small and inconsiderable reparation. I believe at that time a Minister of France, so far from going counter to the feelings of the French people, would have been very popular if he had said that no indemnity should be given to Mr. Pritchard, and that no reparation should be made. We can never safely say that no cause of war can arise, and agreeing, therefore, that our means of defence should be increased, I have heard with great pleasure the very able statement of the right hon. Home Secretary. At the same time I must say that, while the right hon. Gentleman was very clear and explicit upon the greater part of the measure he proposed to introduce, there were other parts which it seemed not so agreeable to touch upon, and which, in conformity with the rule of Horace, he seemed anxious to avoid. The great difficulty, when you propose a militia, is the question of the ballot. The right hon. Gentleman proposes a force of 80,000 volunteers; but he does not state how he is to get them, and if he does not obtain them as volunteers, he must then resort to the ballot. I should have liked to hear some explanation with reference to the ballot—whether the unions are to be formed into districts for that purpose, and what are the classes of persons who are to be subject to this ballot. I should like to know, also, whether persons so balloted are to be allowed to find substitutes, and whether—as I understood the right hon. Gentleman to say—all persons balloted, or who volunteer, will be subject to five years' service in case of danger of invasion? Are we to understand that if, within three months of this militia force being drawn, hostilities should unfortunately result, they will be subjected to five years' service? I think these are questions to which it is important we should have answers, that we may know what is the state of the law; because, although the right hon. Gentleman seems very confident as to his volunteers, I own I do not feel a perfect persuasion that those volunteers will be forthcoming; and, if they are forthcoming on the first occasion for twenty-one days, I am not sure that they would be forthcoming in the remaining four years. I think the right hon. Gentleman, when he gives the option to these volunteers to receive the 4*l.* bounty at once or by monthly payments, runs great risk, as the noble Lord the Member for Tiverton (Viscount Palmerston) has pointed out, that the payment of the 3*l.* or 4*l.* at once will be very generally accepted. The monthly payments, I think, would not afford so great a temptation. It would be 2*s.* 6*d.* a month, or 1*d.* a day; which, though it might be a fee for a volunteer militiaman, certainly would not be considered a proper fee in the Court of Chancery. If you do not obtain these volunteers—or even if, obtaining the 50,000 men the right hon. Gentleman expects the first year, you do not get the 20,000 or 30,000 men the second year—you will be obliged still to have recourse to the ballot. I certainly do not see any satisfactory mode of obtaining such a number of men without, in one shape or the other, having recourse to the ballot; and I therefore think it most desirable to know what is the kind of ballot proposed to be adopted, what class of persons it will affect—whether the inhabitants of particular districts, and what is to be the age of persons liable? I certainly can form only a very imperfect notion of the measure, even from the clear and able statement made by the right hon. Gentleman; but, being one of those who are in favour of increasing the defences of the country, I should think it most unjustifiable if I were to offer any obstacle to the introduction of this Bill. I think it is quite proper that the right hon. Gentleman should bring in his Bill. For my part, for reasons I have before given, and for the reasons which have been stated by the right hon. Gentleman to-night, I should prefer a large militia force of this kind, if it could be assembled, to any increase of the regular Army. At the same time, this is a matter upon which not only we, but the country, must judge; and if there should appear so great a repugnance to the militia as some persons seem to suppose, then we must have recourse—not certainly to the abandonment of all means of defence—I should be very sorry to see such an abandonment—but to an increase of the regular military force. I am very glad to find that the noble Lord (Viscount Palmerston) is ready to approve the introduction of this Bill. I had the misfortune to have my Bill thrown out, because it only applied to England; and it was said that, as Scotland and Ireland were not included in that measure, it was clear the Scotch were cowards, and all the Irish traitors. The right hon. Gentleman the Home Secretary has made the same proposal, though it is different in some other respects. He proposes a Bill for England; he proposes that the militia should be liable to be sent to any part of the United Kingdom, as I proposed; but he does not propose a Scotch or Irish militia. The objection of the noble Viscount, however, does not apply to this Bill, although the propositions are the same as in the Bill I wished to introduce. The Scotch may be very brave men, and the Irish very loyal men, but the Militia Bill is not to be applied to them. With regard to this proposal for the establishment of the militia, I hope the right hon. Home Secretary will give us an estimate, as nearly as he can, of the expense of the force. I own it appears to me that the expense will be great. If, however, he can furnish an estimate, it will, I think, be satisfactory to the country. There is a subject connected, as I think the House must see, with any increased expenditure, upon which I hope soon to hear the determination of the Government; I allude to the question of "ways and means," by which the expenses of the country are to be met. I hope that very soon the right Gentleman the Chancellor of the Exchequer will inform us what he means to do with respect to the renewal of the Income Tax. The Income Tax, as the House is aware, expires on the 5th of April, and, unless that Act is renewed, the dividends for July will be paid without any deduction for income tax. I think, therefore, it is necessary that we should learn the determination of the Government on that subject, and I hope no long time will elapse before an explanation is given.

Mr. WALPOLE begged to say, in answer to the first question of the noble Lord, that it was intended to take the Registrar General's districts as the districts that would furnish men; because, in consequence of the convenience of referring to the Census of 1851, it would be found that they could fix the quota of men to be supplied by the different places more equitably by going to those districts than by going to the parishes. With regard to the question concerning the ballot, it was a necessary consequence that they should fall back upon it if they could not procure a sufficient number of men by voluntary enlistment; and it would also be a necessary consequence of the ballot, that substitutes should be allowed. In regard to the next question of the noble Lord, he would lay before the House a calculation which he held in his hand with regard to the expense. If 3*l*. a man were paid as bounty, the sum required for the first 50,000 men would be 150,000*l*.; and the 30,000 men to be raised next year would cost 90,000*l*. Of course, if the bounty was 4*l*., the expenditure would be proportionately more. The pay and allowances to 50,000 men, with officers, would be for twenty-one days, 87,129*l*.; marching money for men joining and returning, 6,250*l*.; carriage of baggage, 5,000*l*.; clothing, at 1*l*. 15*s*. a man, 93,663*l*.; extra allowances to innkeepers, 15,000*l*.; making a total for 1852 of 207,042*l*. The 30,000 men proposed to be enrolled for 1853 would entail an additional expense of 38,027*l*. 10*s*. for the twenty-one days' training; with 3,825*l*. for marching money; 2,180*l*. for innkeepers' allowances; clothing, at 1*l*. 15*s*. per man, 53,550*l*; making, with some allowances for medicine, &c., a total expenditure for the two years of 311,952*l*., deducting the cost of clothing provided in 1852 (93,663*l*.), the total cost of 80,000 men for 1853 would be 218,289*l*.; and again, deducting the cost of clothing in 1853 (53,550*l*.), the cost of training for 1854 would be 164,738*l*. The cost for five years, he believed, might be taken to stand thus: for 1852, 200,000*l*.; for 1853, 210,000*l*.; for 1854, 160,000*l*.; for 1855, 160,000*l*.; for 1856, 160,000*l*.

Mr. BRIGHT wished to know whether the ballot was intended to apply to persons between the ages of 18 and 35?

Mr. WALPOLE replied in the affirmative.

Mr. G. DUFF begged to ask the indulgence of the House while he expressed in a few words his decided opinion against the principle of the measure proposed to be introduced by Her Majesty's Government. After all that had been said, both by the late Government and the present one, he did not intend to make any remarks upon how far an increase of the permanent defences of the country was necessary; for he could not for a moment imagine that any Government would needlessly alarm the public mind, and he must take it for granted, that, with the means of information at their command, they had come to a right conclusion as to the expediency of some addition being made to the land forces to be maintained in the United Kingdom during time of peace. He did consider that it was the duty of every Government, in providing for the security of the country, to adopt those means of defence which, while they protected in the most efficient manner the property of the rich, would press least heavily upon the poorer classes; and he rejoiced to see that the present Government were sensible of the evils of the old militia system, and were desirous, if possible, to avoid them. Of course, he could venture no opinion as to whether volunteers would be always forthcoming, as expected by the right hon. Secretary of State for the Home Department; but he thought he might tell him that if the ballot were obliged to be resorted to, it would be found that after a peace of thirty-seven years, the blessings of which it at this moment enjoyed, this country would endure with impatience a compulsory service to which it objected even in time of war. He must say, too, that he had no confidence in the efficiency of the force to be provided according to the plan of the right hon. Home Secretary. According to Mr. M'Culloch (an authority for whom, it seemed, the right hon. Chancellor of the Exchequer had great respect), any militia system was at variance with the well-recognised principle of the division of labour; for to be a good soldier a man must be nothing else, and a force composed of half citizens would be dearly purchased at the cost of withdrawing individuals for a time from their ordinary avocations, and subjecting them to a species of military service which, even if not compulsory, in most cases would tend to unsettle their habits in after life. Such a force, too, must, of necessity, be only half disciplined; and he must confess that he should be sorry to see the destinies of the country confided to its guardianship, if ever the veteran battalions of an invading army should succeed in reaching our coasts. We might rest assured that no such hardy enterprise would ever be undertaken by raw levies. Those whom we should have to encounter would be tried soldiers, selected from the flower of some mighty army. He did think that if such a contingency were to be provided for, a great country like this, which spent so much annually in the protection of her meanest Colonies, ought not to intrust the defence of her own shores to either local or general militia, or any paper army. If an addition was to be made to our defensive land force, it ought to be in the shape of regular disciplined soldiers to such an extent as Government might deem sufficient, for we need have no fear that a standing Army, whatever its amount, would ever be employed, as it had been too frequently in other countries, to overthrow those liberties which in our islands could never be in danger except from foreign aggression. If Her Majesty's Government were afraid of mistaking the feelings of the country upon the subject of the defences of the United Kingdom, they could easily refer the question to the verdict which would be pronounced at the approaching elections.

Mr. COBDEN: Sir, I would not be doing justice to my own feelings if I allowed this measure to be brought in without troubling the House with a few remarks upon it. The difficulty which I feel in these discussions is greater and greater, time after time; because the more I hear from hon. Gentlemen, and right hon. Gentlemen, and noble Lords, and gallant Officers, on both sides of the House, and in both Houses, upon the alleged necessity of an increase in our armaments, the more am I at a loss to understand the reasons why we should grant that increase. For it appears to me, if I am to believe at all in the sincerity of the official declarations made to us, that so far from there being any cause for adding to the strength of our establishments, we are now, at this period, removed farther than ever from any such necessity. The right hon. Gentleman who has introduced this proposal to-night, as if to make a mockery of it, and as if to leave us without a shadow of pretence to go with to our constituents, has stated, speaking with the precise knowledge he has no doubt acquired in office, that we are in a safer state now, as respects dangers of hostilities, than we ever were before. A gallant Officer behind me (Sir De L. Evans), representing a most populous and wealthy city, the City of Westminster—that constituency which we were told was to have been invaded and even pillaged by a foreign enemy—got up to-night to protest against this measure; and he gave us all the weight of his professional authority, to show that it would be impossible for a foreign enemy to collect such a force as would be wanted to invade this country, with such a rapidity as to take us by surprise; that, in short, it could not be done without giving us adequate warning and time for preparation. The noble Lord the Member for Tiverton (Viscount Palmerston) contradicts that; but I suppose that the noble Lord's professional knowledge entitling him to speak on the military question, can only be that of a militiaman. The noble Lord gives it as his opinion, that it would be perfectly easy for an enemy, on the other side of the Channel, to prepare his invading force with such a suddenness that in our present circumstances we would be practically defenceless. [Viscount PALMERSTON: Hear, hear!] The noble Lord cheers that sentiment. But I really think that in such a matter as this we are not at all obliged to defer to the opinions of this or that Member of the House; for there are historical facts which may guide us very safely. This invasion of England, your bugbear, was contemplated once by Napoleon the Great. There is certainly an historical controversy whether he really ever was serious in the design, but at any rate he acted as though he were in earnest, and it was believed that he would attack our shores. Well, he assumed that not less than 150,000 men were to be brought across the Channel, as the least force that could be successful. And it took twelve months to make his preparations; to collect the force in all the ports on the other side of the Channel, French and Dutch; and, even after all that, Napoleon did not venture to make the attack. Take another instance. The same Napoleon made a so-called sudden attack on Egypt. In that case there were not 150,000 men; there were only 40,000 men; but those 40,000 men required 400 or 500 transports to carry them, with their camp equipage, and their stores, &c., to Egypt; and, in getting ready for the expedition, there were months of slow preparation. The matter, indeed, has been settled by sound military authority, which decides that a great army cannot make a sudden descent on our coast, because, being a great army, we could anticipate it; and now the danger is said to have changed, and we are told that we have to guard against the surprise of a small body of 10,000 or 15,000 men. Well, now, are we to contemplate 10,000 desperadoes coming against us, for the mere purpose of doing mischief, knowing that they cannot get back, and ready, therefore, to be sacrificed? Would a miiltia prevent such a gang of ruffians coming over? Why, the existence of a militia would increase the danger; for such a lunatic gang of ruffians would think it then a far wiser plan to come over individually, to get regular passports, to distribute themselves about the country, and to increase the mischief by dividing the murder and devastation. [*Laughter.*] Yes, you laugh; but it really reduces itself to this absurdity. I can't treat the thing as serious. It just seems to me to be this: that somebody wants to create soldiers; that Lord Lieutenants want patronage and fuss; that somebody else seeks amusement with red coats; and I do not believe that anybody in this country seriously entertains the fear of an invasion by France. All the evidence proves that the French Government is contemplating anything but an attack on this country, or on any other. Would any Government undertake to convert the Five per Cents into Four-and-a-Halfs, if it was contemplating a war? I put it to hon. Gentlemen whom I see around me, capitalists who are making railways in France, whether there ever was so much English capital going over to France, to make railroads, as at this moment? You surely are not sending your money across to a nation which is but a horde of banditti, who would make war on you without cause, and without declaring war? Why, in making a proposal like this, you ask us to take leave of our senses. You are assuming that France would make war on you without calculating the consequences that must befall the commerce, the property, and the lives of any people wantonly assaulting a country of such vast resources as England. You assume that France does not calculate the retribution that would follow upon her crime. You speak and seem to think of France as of a body of ancient Scandinavians, without commerce or industry, with nothing to lose, looking only to pillage and plunder, and indifferent to the consequences to themselves of piracy. Why, what is France? There is as real an amount of portable wealth in France as in England. You talk of your Bank. There is more bullion in the Bank of France than in the Bank of England. Do you ask me to deal with such a people as with barbarians, as pirates—a people without common sense, and reckless of every rule of justice and honour? I beg to remind you that the French nation is only second to ourselves as a manufacturing people. After England the manufactured productions of France are the largest of any country in the world. With the exception of England no country depends so much on its supply of raw materials, to carry on its manufactures, as France. Paris, itself, manufactures more for exportation than any other three capitals in Europe. France is a great industrious nation, which has given pledges for good behaviour, which has vast interests at stake binding it over to keep the peace in regard to its neighbours. You ask me to forget all this, and to assume that this France, without provocation or motive, is going to assail our shores. But I cannot forget all this; and I cannot assume so much while I see these chances against any invasion of England from France. You do more. You ask me to enter at once, on this assumption, into expenses which would amount to some very important taxes we want to get rid of. My right hon. Friend (Mr. M. Gibson) is labouring year after year to induce you to take off the "taxes on knowledge." Why, if we are to incur the cost of a militia, we cannot take off those most improper imposts. Again, the hon. Gentleman opposite (Mr. Frewen) desires to relieve the suffering farmers of Sussex from the duties on hops; but a militia would absorb so much money that those duties would have to remain on. I take all this into consideration. Certainly, if you could play at soldiers without taxing the people, or if you would consent to tax property instead of industry, it would be a different thing. But you will not; and, therefore, your militia would mean a continuance of taxes on industry, and a retention of a tax on intelligence. I ask for reasons for these proposals. There the noble Lord (Lord J. Russell) meets us and puts it as a matter of astonishment that we should demand reasons. We are at peace, he says, no doubt; but that is no reason why we should not prepare for war. Now, I think that the fact that we have been thirty-seven years at peace, is some reason for thinking a continuance of that peace more probable than a recurrence to war. I remember reading a speech made by the noble Lord, on a reform Motion in 1822, which I may contrast with the noble Lord's views this evening. In the speech to which I refer, the noble Lord told the then House of Commons that public opinion had reduced our Army to 68,000 men, and that it was a great reproach to the boroughmongers of that time that they had so long resisted the force of public opinion. [2 *Hansard*, vii. 75.] But you have gone on increasing, year by year. You have not only increased your Army, but you have been adding other supplementary forces: 10,000 dockyard drilled battalions, and 15,000 pensioners, as good soldiers to fight for their own land as any you could get. In short, you have nearly doubled your armed forces since 1822. You are not content with this; you now want 80,000 more men. Why, where is this to stop? At the end of another thirty years you will be voting as many soldiers as France possesses. Are these, necessarily and properly, the fruits of peace? I thought that in times of peace we were to have the advantages of peace, and that we were not to live in perpetual anticipation of a war. Sir, my impression is, that the English Government is not acting in a manner calculated to improve the good feeling between England and France. I challenge opposition when I say that there has been nothing done by the French Government or the French people during the last four years to warrant this proposal. On the contrary, there is every reason afforded us why we should have continued at most with the amount of force we had before recent events. Recollect what was said in the spring of 1848, when the revolution broke out in France. How I was taunted because some time before I had resisted the attempt to increase the strength of our Army! On all sides there was a cry against me. I was told that the danger I had decried had arisen, that the French people were in a state of unbridled license, and that we must prepare for our defence. But what is the language now? Every one now says that the French people during the last four years—I speak of the French people—have been pacifically disposed. There is another change. Within a few months an individual has attained supreme power in France. He bears a very ominous name. He is one whose very name is calculated to raise up old antagonisms and ancient alarms in this country; and it is alleged now, that it is because of the presumed inclination of this individual for war we should hurry to arms. But what has been the conduct of this individual in his foreign relations? The Earl of Derby has emphatically expressed his belief in the pacific wishes of this individual; and the noble Lord the Member for the city of London has said the same thing. Well, then, we are raising an outcry without cause. I say it is cowardice—base cowardice; for I don't know what is cowardice if it be not a panic in terror of imaginary dangers. The right hon. Gentleman the Home Secretary must allow me to judge for myself, so far as I am interested, about this matter; and I declare that I am satisfied with the defences of the country; and I, therefore, ask why you should tax me? I am not speaking merely my own sentiments; I am speaking in the name of a large proportion of the people of this country who have manifested their opinions at their public meetings. I speak with a full knowledge of what is going on in the north of England. If the people perceived the danger, they would be calling out to the Government to give them adequate protection. But you are in this singular position—you are seeking to increase our forces, for the purpose of protecting the people, as you say, while the people are meeting in public assemblies and denouncing your proposals. Take the resolutions of the Marylebone vestry—a little parliament, where sometimes the members talk quite as good sense as one usually hears here. The Marylebone vestry declared all this to be a hoax. They don't believe in your sincerity in raising this outcry, and they have no intention of quietly submitting to any tax for the purpose of sustaining an absurd militia. The right hon. Gentleman has talked of our defenceless state. I don't believe it. I think, without the papers before me, that I could tell you where you could get 40,000 men; and you could get this force at once and fresh to the coast of Sussex by rail. The right hon. Gentleman will forgive me, if I tell him that I look with suspicion on all these suggestions of the paucity of our forces. It is the custom of that (the Treasury) bench to talk in that way. What did we hear in the beginning of the year about our Navy? Why, that we could not get a ship fit for sea. Nothing was said by the Government in contradiction to all this newspaper representation during January or February. But no sooner does the gallant Admiral (Admiral Berkeley) reach the wholesome and invigorating atmosphere of this side of the House—than he informs us, as if impelled to do so, that we had been hoaxed, and that we had reserve ships at home numerous enough to occupy within hailing distance of each other the whole of the waters between the North Foreland and Channel Islands. It may be the same thing as to the Army; and I should like to have a Committee appointed to inquire exactly into the number of armed men we could really command. I would suggest, indeed, that the officials who bring us the Estimates would render them much more complete if they would append to them accounts of the exact positions of the forces. The hon. and gallant Gentleman opposite the Secretary at War shakes his head. Of course. He wants to keep all that a mystery; the old excuse being that we must not let foreigners into such secrets. Why, what nonsense. The foreigners have only to take the trouble to go to the Army and Navy Lists and to the Gazettes, and to analyse the facts, and they find it all out. We are told, in defence of this proposal, of the small number of troops we have at home. The noble Lord the Member for Tiverton (Viscount Palmerston) has spoken of our Colonial Empire. Our Colonial Empire occupies, we are told, one-eighth of the surface of the habitable globe; and we are assured that our Army and Navy are fully engaged in doing the police work of this vast territory. Has it never occurred to the right hon. Gentleman the Home Secretary that the taxation to maintain the vast police forces by sea and land for this enormous territory is paid altogether by the people of these little specks of islands, Great Britain and Ireland? We draw no revenue from Australia, from Canada, or from the Cape of Good Hope; and let hon. Gentlemen opposite be quite sure that, a few months hence, when this protective delusion of theirs has been set at rest for ever, the Members for counties as well as the Members for large borough constituencies, will be turning their attention to these facts, and will be inquiring whether if we are to have free trade with all the world, the Colonies being no longer subjected to restrictive monopolies of trade with this country, whether free trade is not to be carried out to its logical consequences in regard to such a colony as Canada with its 2,000,000 of inhabitants, whose average condition economically speaking is superior to that of our own people, with a more absolute self-government than is enjoyed by any of the States of the neighbouring federation—with a perfect control over its own waste lands, and which actually put a prohibitive duty upon your paupers from Ireland, diverting your emigration in one year to New York? Be quite sure that all these facts will be taken into consideration; and that in looking to Canada, the conclusion will be that such a country ought to bear the expense of its own police; or, at any rate, if it insists on having our soldiers in its garrisons, ought to pay for them. I say make your colonies, from which you get no revenue, protect themselves, and then you will no longer have the argument in favour of such a proposal as this, that your Army—your Army of 100,000 men—is scattered. But I must be understood. Both my hon. Friend the Member for Manchester (Mr. Bright) and I, myself, have been greatly misrepresented in this matter. Do not let it be supposed that we are advocating the addition of one soldier to the forces of this country; and let it not be recorded against me that I am asking you to bring home your regiments from your colonies to keep them here. I say bring them home; but bring them home only to disband them. That is what county Members will say, too, when the protection delusion is over. When they find they cannot raise prices, they will join with us in reducing taxation, so that prices may be nearly as profitable though not so high. It is disgraceful if you are defenceless. You ought to be ashamed to admit it. Bring home your ships from the Mediterranean. The right hon. Gentleman the late First Lord of the Admiralty said, in answer to this suggestion lately, that if we were to bring home our line-of-battle ships from the Mediterranean, the French would take the alarm and would bring their ships from the Mediterranean to cover their north coast. What does that admit? It admits that the French have ships in the Mediterranean simply because you have ships in that sea. Supposing, when you took your ships out of the Mediterranean, that you proposed to the French, instead of keeping them in the Channel to lay them up in ordinary, don't you think the French would be glad to reciprocate that economy with you? It is an affair of a *vis-a-vis*. Where you are in strength, the French will be in strength. I am convinced that if ever we get a Government not afraid of being stigmatised as the tool of the "peace party," it will be perfectly practicable to go to the French, and to propose to reduce our naval force by one-half, on condition of their doing the same. Arthur Young said, eighty years ago, that if the French and English would bring all their war ships into the Channel and burn them to the water's edge, it would be a blessing to humanity. I say so, too. It would come to the same thing as regards your defence to lay your ships, ship by ship, with the French, up in ordinary, as continuing the competition of wasteful extravagance which has gone on so absurdly for so many years. We have heard of the military resources of other countries; but nothing of that sort should influence us. It used to be a constitutional maxim here, and with none more than the noble Lord the Member for the City of London, that England should make no attempt to become a military Power. Our sea frontier was considered once a safety, and our Navy an adequate defence. But steam is referred to as necessitating a change of system, and as destroying by "bridging" over that frontier. Yes, but the bridge is in our possession, not in possession of the enemy. So far from steam leaving us in danger, it is the very thing which ought to give us security. The right hon. Gentleman the Member for Tyrone (as we understood) admitted this when he (Mr. Corry) was connected with the Board of Admiralty. The right hon. Gentleman said, without exciting astonishment, what would be rejected here as extravagant in me. He said that in the event of war, for every steamer France could produce, we could produce ten, and that in three months after the breaking out of war, such was the force of mercantile steamers and privateers, in addition to our Navy, we could launch against the enemy, not a French ship would be left on the seas. Don't you think that the French Government perfectly understands all this, and sees that it could not compete with our immense navy of huge steamers—the Cunard line, the East and West Indian lines, and our coasting steamers, and other vessels, and that, in fact, it is not the interest of France to face our prodigious powers of destruction? Seeing, therefore, no reason for this increase of our armaments, believing it will only irritate and lead to an increase abroad, and that no Power harbours the design to molest us, I think the increase a wanton act on our part, and shall oppose the measure in every stage.

MR. BERESFORD said, he would not follow the hon. Member for the West Riding into the colonial or the naval features of the question, but would confine himself to his remarks on military topics. The hon. Member was only following his usual avocation—that of throwing a slur upon every man that wears a red coat. But the hon. Gentleman was not the best prophet on such occasions. He had made a tour of peace and good will a few years ago, prophesying at the time universal kindness between man and man throughout Europe, but immediately after his return in 1847, there were wars and rumours of wars throughout Europe—citizens armed themselves against citizens, and were seen cutting each others' throats by wholesale. They could not, therefore, place implicit credit on the hon. Gentleman's prophecies, because on this occasion he was found decidedly wanting. The hon. Member had referred to Napoleon Buonaparte, who in 1802 meditated an invasion of this country, had prepared his vessels of war on the opposite side of the Channel, and gathered together a large army; but an attack which at such a time was difficult, was rendered much more easy in these days, when they had the power of steam to resort to. England was not the only country which possessed railroads. The French had also the advantage of railways like ourselves; they had the power of concentrating a large force in a given time on their northern coast. England had, no doubt, a large army, but it was only sufficient for her colonies, and could not well be dedicated to domestic defences. It appeared to him that this country was bound, in order to protect her great wealth, and to maintain peace, to keep at her disposal such a force as would enable her to transmit those advantages to posterity. The French army was larger than that country ought to have for purely domestic purposes; and as we had a very small army in England, it was manifest that we, in a defensive point of view, were in a worse position than that country. It was not that the Government dreaded an offensive force from France, but that they desired to have a sufficient force to preserve that peace and safety which England had so long enjoyed. It was not because they dreaded a hostile force from Boulogne or any other particular quarter that they sought to increase their defences; but they thought that it was wise to place this country in a position to meet an attack, come from what source it might. He little thought, after the fair and candid manner in which the measure had been introduced, that he would be called upon to defend it. The hon. Member for Montrose (Mr. Hume), and the hon. Member for the West Riding (Mr. Cobden), had told them that all danger of attack was imaginary, and that the fear of invasion was only to be found in the minds of old women. He (Mr. Beresford) was glad to see that the hon. Member for Montrose maintained that strength of body and elasticity of mind that made him superior to all apprehensions of danger. Younger men, however, were not so free from apprehension. If they looked around, they found that, with the exception of the small party who opposed this Bill, the general feeling was that the danger was not altogether imaginary. The noble Lord the Member for London (Lord J. Russell), considering that these defensive preparations were necessary, had himself introduced a Bill upon the subject. The noble Lord the Member for Tiverton (Viscount Palmerston), than whom there was not a more able or experienced statesman in that House, had declared in favour of the measure. His right hon. Friend the Chancellor of the Exchequer, even when in opposition, had approved of such a measure. Now the real question for their consideration was, had the Government done their best in consonance with the expressed opinions of the leading statesmen, as well as of the House, to introduce a measure that would prove the least burdensome and oppressive to the people? He maintained that they had. The great objection made to the noble Lord's Bill was the presence of the ballot. The present Government had, however, proposed a measure free from such an objection. It not only divested the Bill of some of these difficulties, but it had also divested a considerable number of hon. Members of their speeches, which were curtailed of their fair proportions in consequence of the absence of the ballot in his right hon. Friend's Bill, contrary to what was anticipated. He thought that they might fairly say, that the ballot was an obnoxious measure. The object of the militia force was for the universal and national defence of the country. It was a force intended for the protection of our hearths and our homes, and he did not think that any true Englishman would be found unwilling to serve in it. Instead of the Government being opposed on the present occasion, he thought that they deserved the thanks of the country. The hon. and gallant Member for Westminster (Sir De L. Evans) appeared to think that there would be some difficulty in getting volunteers. Now, within his (Mr. Beresford's) recollection, there had been raised in this country a considerable army for the service of foreign Powers. Yet, the hon. and gallant Gentleman, who must be very familiar with that circumstance, seems to think that though he was enabled to raise and to command a large body of soldiers who left this country for the shores of Spain, there would still be a difficulty in getting volunteers to serve on behalf of their own country. He thought it was somewhat ungrateful for the hon. and gallant Member to express a doubt of being able to obtain a force for the defence of Old England, when he recollected how easily a force was raised for the defence of the reigning Sovereigns of Portugal and Spain. Considerable forces had also been raised for South America in this country. With such facts in their recollection, did they mean to say that when England herself was in danger, those highminded and noble sentiments which had heretofore characterised their people were extinct? He thought it was the right hon. Member for Manchester (Mr. M. Gibson) who said that the Bill should be thrown out, because it did not include Ireland and Scotland in its provisions. Now he (Mr. Beresford) maintained that the Government had followed all the precedents upon this subject. Looking at those precedents, he found that the Militia Bill for England had never been brought forward at the same time as the Bills for Ireland and Scotland. The Militia Bill was first introduced for England in 1661, the force was remodelled in 1757, and was finally settled in 1802. For Scotland the Militia Bill was passed in 1797. The Fencible Corps was established three years previously in Ireland. In England, in the year 1757, there was an alteration made in the Bill, in which power was given to the Crown of disapproving of the officers nominated by the lords lieutenant. The ballot was then recognised in the English Bill, but not in the Bills for Ireland and Scotland. With regard to Ireland, he found that the first special enactment respecting the militia passed that Legislature in 1705, and that it was further altered in 1777, and finally settled in 1809; and he might remark that the armed police in that country were drawn from the same class from whom the militia would be drawn, and the existence of that armed force was a proof that this country had no doubts of the loyalty of the youth of Ireland, which had ever furnished the bravest soldiers and the most loyal subjects. A remark had been made on the expense of the militia enrolment of England. The expense was, of course, incurred in that country which was most exposed to invasion. Therefore it was that England had been dealt with in the first instance, previous to legislating on this subject, if necessary, for Scotland and Ireland. The right hon. Member for Manchester (Mr. M. Gibson) had spoken of the evils which the militia would cause to trade, and of the demoralisation which it would produce. He could not join in these frightful forebodings. He could not for a moment suppose that any demoralisation which might arise from the embodying of 80,000 militia, could be anything like the demoralisation which an invasion by even 20,000 foreign troops would produce in a single week. Such an invasion would do more to interfere with and stop trade than would an embodyment of double the number of militia. There was no reason to expect a greater amount of demoralisation from the militia than that which was attributed to regular troops. Whatever might be said on the last point, it was well known that the demoralisation of the Army had of late years, from better education and other cause, wonderfully decreased. According to the old proverb, idleness was the devil's opportunity; but the militia, while they were in training, would be kept pretty constantly employed. On the whole he considered the present measure to be a measure of protection—(*Laughter*)—not a measure of protection, as hon. Gentlemen opposite seemed to think, to the agricultural classes only, but a measure of protection to all classes, to the virtue, to the honour, to the interests, and chastity of the British nation.

ADMIRAL BERKELEY begged to tell the hon. Member for the West Riding (Mr. Cobden) that he had always maintained with regard to the Navy the same conduct upon that (the Opposition) as upon the other side of the House. He was glad to find that the hon. Member for the West Riding had recovered his courage, because only a few months ago he was the first among those who were panic-stricken, and who execrated the Admiralty for leaving the country totally undefended, and for keeping a fleet at Lisbon, when he, forsooth, thought they ought to be in the Channel. Now, the hon. Member ought not to meddle with things that he did not understand. The same rule applied to soldiers and sailors, to tinkers and tailors. The hon. Member said that he (Admiral Berkeley) had stated that he could cover the Channel with steamers within hail of one another. Did the hon. Gentleman know how many steamers it would take to reach from the Channel Islands to the North Foreland, to be within hail of one another? So much for the hon. Gentleman's seamanship. The hon. Member said that if we made all these demonstrations it would be a cause of offence to France; and yet the hon. Gentleman was angry with him (Admiral Berkeley) because the late Board of Admiralty had a reserve that he was not acquainted with. He had been found fault with, both in that House and out of doors, for making that statement; but he pledged his character as a naval officer, that in twenty-four hours after the Government had given the word, there would have been a force not to resist, but a look-out force of armed steamers, reaching from the North Foreland to the Channel Islands. Would the hon. Member tell him how many steamers it would take to cover that ground? Did he know the distance? [Mr. Cobden shook his head.] Then he did not know what he was talking about. He could almost have forgiven the hon. Gentleman his lamentable ignorance of matters connected with his (Admiral Berkeley's) profession, because he was unfortunately backed up by a gallant Admiral, a friend of his, one of the greatest officers of the day, but too fond of writing in the newspapers. His gallant Friend had taken the alarm; but he said that if his (Admiral Berkeley's) statement was correct, all the old ladies might put on their nightcaps and go to bed in safety. Now he thought that his gallant Friend was famous for his energy and his resources; but he began to think he should have to say of him, in the words of the old song, that—

> "The bullets and the gout
> Had so knock'd his hull about,
> That he'd never more be fit for sea."

Every sailor must know that what he had stated could be done with ease; and he would tell the House how it might be done. Before the Lisbon squadron returned, there were three steamers in commission in port, and three ordinary guardships in commission. There were fifteen first-class reserve steamers—vessels that were ready in every point to proceed to sea, wanting the men. The hon. Member might ask how he proposed to man them? There were marines, officers, boys, seamen, gunners, and riggers of the dockyards on the spot. He need not tell the hon. Member, too, that the commander of the coast-guard had orders to have 1,500 men told off ready to join either at Devonport, Portsmouth, Sheerness, or wherever it was necessary. In the year 1827, before the days of railways and electric telegraphs, in forty-eight hours a squadron sailed for Lisbon, manned, and carrying troops on board. Mr. Canning boasted of that in the House of Commons; and if in 1827 that could be done in forty-eight hours, he believed that the Navy had not so far lost its energy that it could not now be done in twenty-four hours. He admitted he was not satisfied that there were at present men enough in the Royal Navy. If they had wanted a squadron such as he had described to watch the Channel, he should have been taking away the men who ought ty be left at home to fit out other ships. He repeated what he had declared on former occasions, that they ought not to be content with less than one-third of the men in peace that were required for the Navy in War. With regard to the efficiency of the Navy, it had been admitted by the noble Earl now at the head of the Government to be as efficient as the means placed at the disposal of the Admiralty would allow it to be.

Mr. FOX MAULE said, he was disposed to concur very much, if not entirely, with the observations of the right hon. Gentleman who had brought forward the Motion now before the House, because he (Mr. F. Maule) was one of those who thought it was the duty of the citizens of England to contribute to the internal defence of the country; and he agreed with the right hon. Gentleman also in thinking this was the time—when there were no particular impressions of danger from foreign parts, when the idea seemed to have passed away of any intention to invade this country by a foreign Power—calmly and deliberately to consider the manner in which the citizens of this country were called on to defend their native shores. The Government of which his noble Friend (Lord John Russell) was at the head only about a month ago proposed to introduce into this House a specific measure for that purpose. He (Mr. F. Maule) would not disguise from the House that he had always been of opinion that in these days a militia, whether they called it a local or a regular militia, established by the ballot, would be a most unpopular proposal to submit to the country; and the great object which he, for one, had in proposing the measure lately introduced, was to place it in such a position as to be in the least degree burdensome to the country, and to interfere to the least possible extent with the avocations of the individuals who, it was proposed, should serve in that body. The late Government had it particularly in view to make the burden of service fall as lightly as possible on the people of the country. They proposed that a certain number of individuals should be chosen by ballot, it was true, but giving an opportunity also to volunteers to serve if they chose. They proposed that that number, when chosen, should be drilled and trained in their own localities, and only subject to be taken from those localities upon an invasion, or a threatened invasion, and then only kept away from their several districts for a short specific time mentioned in the Bill. That seemed to the late Government to be the fullest extent to which they were entitled to call on the nation to furnish a local defence for the country; and it appeared to him (Mr. F. Maule) that any further defence that might be required, either for our shores or for operations abroad, might better have been effected by an addition to the regular Army of the country, because when they came to embody the militia, to draft them into regiments, to place them in barracks, and to appoint commissioned and non-commissioned officers, those men become in war as efficient, as expensive, and as regularly a part of the Army of the country as any other part of the regular force. But what did the right hon. Gentleman the Home Secretary propose to do? He proposed to go a great deal further than the Bill of the late Government. The present Bill, to the introduction of which he should raise no possible objection, was to all intents and purposes a revival of the regular militia. What did that imply? It implied in the first place a service of five years, and that it extended only to England. He was glad that it did not extend to Scotland. It implied, further, that the party called upon to serve was not only not necessarily to be drilled in his own neighbourhood, but might be drilled at some considerable distance from it; and he was to be liable for those five years, on every threatened invasion or tumult, or upon the will of Parliament sanctioning an Order in Council, to be removed from his own locality and ordered to serve in Scotland or Ireland, taken from the profession or trade in which he might be engaged, and prevented, consequent upon the responsibility to serve during those five years, from establishing himself in the particular trade or profession to which he belonged. That was a far more burdensome provision than that which was proposed in the Bill recently introduced by the late Government. But the right hon. Gentleman said, and the right hon. Gentleman the Secretary at War confirmed the statement, that they meant to get rid of the unpopularity of the ballot. The right hon. Secretary at War said they would first try the system of volunteers. Now, his (Mr. F. Maule's) belief was that they would get very few to volunteer on their terms. If they could get them, he allowed one volunteer would be worth many impressed men. If they did find volunteers, they were to pay them a bounty of some 3*l.* or 4*l.*; and the right hon. Gentleman said they would either pay it down at once when they took service, or give it in monthly payments as a retaining fee. [Mr. WALPOLE: Subject to regulations made by the Secretary at War.] Subject to certain regulations, no doubt; but he did not understand what regulations could be established if the bounty was paid down at once. If the bounty was paid at once, he was afraid that at the second training they would see very few of the recipients; and if they gave 2*s.* 6*d.* a month as a retaining fee, he did not think they would get men willing to take upon themselves the risk of being sent out of the country for a paltry payment of 2*s.* 6*d.* a month, 1*d.* a day. Then they came to the ballot. If they had the ballot, they meant to have it very much under the provisions of the present law. When the right hon. Gentleman came to talk of the ballot, he (Mr. F. Maule) would ask whether he had examined the most confused machinery of the present mode of taking the ballot, and taking into account the length of time necessary to put it into operation, and the expense caused by the payment of clerks, constables, and other officers? He (Mr. F. Maule) presumed also that the expense of that machinery must fall on the county rates, or upon some other rates falling on the country gentlemen. And was that to be the first proposition the country gentlemen were to expect from the present Government? Why, instead of relieving the country gentlemen from their "local burdens," the Government proposed to add to them. He thought the country gentlemen would not thank the Government for such a proposition. The force proposed by the Government could not be got into the field for the space of ten months. The object of the late Government was to get a force in the space of ten weeks drilled to as full an extent as the force which was proposed to be raised under the present Bill. That would be the right and proper means of calling on the people of the country to defend its shores; but if they were to have recourse to a regular militia, he warned them that in a time of peace their plan would regularly fail. If they wanted a defensive force for this country, it should be a very large force. They should have at least 150,000 of our youth, so that when they removed from their localities they would leave no burden of wife or children behind them, and they would be at a time of life when they were not bound to any particular trades, and when such of them as had trades could prosecute those trades without interfering with that short time which they would be called on to devote to the learning of certain military duties. Above all they should have those young men free from the responsibility of service long before they had attained the age of thirty, at which age men might be even drawn for the first period of service under the present Bill. He thought up till the age of twenty-three the country would have as fine a force for its local defence as it was possible to obtain; and after that time the young men who had served might fix themselves in any line of life they might think fit to adopt. He thought that would be making the defence of the country fall as lightly as possible on the citizens who might be called on to undertake it, whilst the proposition of the Government, on the other hand, he believed would be found to be a very unpopular one.

Mr. T. B. HOBHOUSE said, that until the right hon. Gentleman (Mr. F. Maule) who had just resumed his seat, advanced his powerful objections to the measure, he was inclined to say that all the authority of the House was on one side, and all the argument on the other. When he remembered that the noble Lord the Member for Tiverton, and the noble Lord the Member for London, were both in favour of the Bill, he thought there was a great deal of authority, if not much argument, to be adduced in its favour. But when the right hon. Gentleman, almost fresh from the labours of the War Office, told them that the measure was almost impracticable, and open to the most serious objections, then he might say that not only all the argument, but a great weight of authority, also, was opposed to the measure. He would not urge a single argument against the defence of this country, nor would he give a single vote that would leave our shores exposed; but he thought that in any measure of this kind the precaution should at least bear some proportion to the danger. It was not so, however, in the present case, for they had a danger that was infinitesimally small, provided for by a security that was disproportionately large. That was the reason why, if the Gentlemen about him supported him, he would take a division, even at that stage of the Bill. He was convinced that the danger had been greatly magnified, and that much exaggeration had been at work. While all the Powers of Europe were at peace with us, there was no reason for the introduction of a Bill that would put the country to so much expense, that would distract men from their occupations, and call them from the plough and the loom to become soldiers. He had not the slightest difficulty in pointing to France as the country against which all these preparations were made; but he besought hon. Gentlemen to consider the relations between France and England, and to remember what had been the history of the two countries during the reign of Louis Philippe, during the time of the Republic, and under Louis Napoleon. He was quite sure the noble Lord the Member for Tiverton would not say that the danger of war was greater at this moment than it was when France was under the dynasty of Louis Philippe. He must remind the noble Lord and the House of the state of affairs in 1841. At that period France menaced this country on account of the Syrian campaign, and affected to isolate herself from all the European Powers; but when the time came to strike a blow, she withdrew from the danger. He did not say that, in withdrawing from the danger, the French were actuated by pusillanimity. They were actuated by prudence—by a desire to sustain the commercial intercourse they had established with other countries, and by a just sense of the calamities and evils of war. The noble Lord the Member for London had alluded to the Pritchard Indemnity. On that occasion the same menaces, the same language, and the same remonstrances were employed; but when the time for war came, France saw that Europe would not back her in such a course; and peace was maintained between France and England. This was under Louis Philippe. Then, coming to the time of the Republic, they all recollected with what acclamation the warlike message of General Lahitte was received by the French Assembly when there was a probability that peace might be broken between France and England. But the warlike spirit evaporated once more, and all the danger disappeared as had happened on so many occasions before. The best guarantee for the maintenance of peace in Europe was, not that France had not the power of making a descent upon England, not that she was unable to find troops possessed of the requisite skill and bravery; but the knowledge that the other Powers of Europe would, for their own interests and their own safety, revenge the cause of England in case of her invasion, and take arms against France. The same principle applied here as in the case of individuals, whom no degree of precaution could secure against attack; but the fear of consequences was in general a sufficient preservative from danger. He would like to know what had become of diplomacy, or of the balance of power in Europe? What had become of the Treaties of 1815? Was there no security in diplomacy and in embassies against a sudden attack, for if all these precautions now proposed were necessary, it seemed to him that diplomacy became a delusion and a mockery? Looking back to history, he could not but remark, that it was very seldom indeed that wars took place by surprise, and with the suddenness which was talked of. When disputes arose between States, negotiations took place, correspondence was interchanged, recriminations were bandied about, and several months always elapsed before a war broke out, during which period the country could be preparing for its defence. He opposed the measure because it distracted men from their pursuits, and spoiled them for returning to the usual duties of life. If he were asked what precautions ought to be taken against an attack, he would say that our Navy should be amply sufficient to meet any possible danger; and, in the very phrase of the Delphic oracle to the Athenians, which has descended to our times, he would advise them to betake themselves to their wooden walls. If, however, it could be shown that the Navy was insufficient, there would not be the same objection throughout the country to its increase as there was to any increase in the Army, or to the proposition at present before the House, these being forces which would always be unpopular, because they might be used against the liberties of the country. Let us have, then, additional ships and men, if necessary—let our banner be raised in the Channel—let "the meteor flag of England" wave upon our coasts—let the sea swarm with ships; but we need not defend ourselves or our shores from dangers which might never be brought home to us. Supposing a foreign force to have landed, would any Gentleman in that House tell him that there was not spirit enough in the country, without any such measure as that proposed, to delay, or even to crush a French army before it approached the capital? Met by disciplined men, not raw levies, in front, cut off by our sailors in the rear, the situation of that army would not be an enviable one. He intended before he sat down to move as an addition to the Motion the words "this day six months." Hon. Gentlemen would not say that a danger which had been incurred for thirty-seven years, was so imminent that they could not wait till July or August. If he were not assured that the Government did not intend to bring the Bill to a second reading, he felt inclined to take a division. It was the new Parliament which ought to decide upon this Bill, and not a Parliament in which there was no certain majority. A Bill for the armament of the country, and which would put the country to an expense of 250,000*l.* a year—in the first year it would be 400,000*l.*—a Bill, too, which, if passed, would prevent them from repealing some of the most obnoxious and odious taxes, ought to be discussed upon the hustings; and if hon. Gentlemen around him would support him, he would take care that it was discussed there. This Bill would, if carried, be a frightful source of jobbing, and, perhaps, of peculation. The land would be overrun with colonels; they would see nothing but red coats; men would be abstracted from their usual occupations and pleasures, and, in his opinion, for no pretence whatever. Hon. Gentlemen who voted for this measure would be called to a severe account at the hustings: he meant those who had any constituencies; for some of them were very short of constituents. While they were talking of balloting for the militia, the country was thinking of another kind of ballot—voting by ballot for Members of Parliament. Under all the circumstances of the case, and in the belief, moreover, that unwarlike and undisciplined levies were, as all history proved, utterly useless in opposition to veteran troops, he should move that there be added to the Motion the words "this day six months."

Mr. NEWDEGATE was of opinion that no sufficient reason had been alleged against the measure of the Government.

Mr. HOBHOUSE rose to order. He had proposed an Amendment, and he would beg to remind Mr. Speaker that his Amendment had not been put.

Mr. SPEAKER said, the Motion before the House was, that the Bill for calling out the Militia be introduced by certain Members; and the only Amendment which could be moved was, either the direct negative to this, or that some other Members be ordered to bring in the Bill.

Mr. NEWDEGATE said, he feared that the hon. Member for Lincoln (Mr. Hobhouse) must feel disappointed at the decision of the right hon. Gentleman in the chair, since he would not find his name entered upon the Journals of the House, for he (Mr. Newdegate) really believed that could have been his only motive in bringing forward the Amendment. He was convinced that the House would not be so inconsistent as some of the hon. Members opposite, in regard to their support of the principles of this Bill. One of the arguments used against the Government was, that they proposed at once to resort to the ballot; but he understood the right hon. Secretary for the Home Department to say, that it was only to be resorted to in the case of those districts which failed to afford their quota of volunteers to the required force. He could not understand how Gentlemen, who were in favour of a volunteer force, should object to a volunteer militia. There appeared a great discrepancy between the statements made by hon. Gentlemen opposite, with respect to the necessity for defensive measures and the best form of them if required, for the hon. Member for the West Riding (Mr. Cobden) advised us to send Commissioners to France, and ask that Power to burn their fleet, promising at the same time to get rid of our own Navy; while the hon. Member for Lincoln (Mr. Hobhouse) suggested that the force of our Navy should be doubled. As to the demand that the Bill should be left unpassed until the constituencies had pronounced upon it, he supposed hon. Gentlemen opposite wanted a cry with which to go to the country, feeling sure that the measure would be unpopular when viewed in the light in which they were going to put it at the hustings. He began to regret that the noble Lord lately at the head of the Government and the Earl of Derby had repressed the warnings which had been addressed by the press to the people, on the possibility of a sudden invasion. He fully appreciated the motives which had dictated this course on the part of the late and the present Premier. The language held by the press must have been irritating to the people of France; but the noble Lord, as well as the Earl of Derby, forgot that there was a faction in this country who would only be controlled by popular clamour. The object of this faction, led by the hon. Member for the West Riding, must be to dismember the empire, by separating our colonies from the mother country; and to effect this, by increasing the pressure of taxation upon the land and the agricultural interest of this country, which would, they hoped, induce the farmers and country gentlemen to join in a clamour for a reduction of taxation, while thus suffering from the competition of foreign agricultural produce and increased taxation. This they calculated would lead to a reduction of our armaments and the withdrawal of the troops from the colonies; the inhabitants of which, already injured by free trade (the nostrum of that faction), would abandon their allegiance, and seek connexion with some more friendly Power, or attempt an independent existence. If this was not the plan, it must be to leave this country exposed to foreign invasion, in fact at the mercy of foreign Powers. The press rightly had too much reason, he feared, to believe that this House would not have strength enough to carry any measure for the protection of our shores unless they excited the alarm of the people. He feared that the democratic principle was working so strongly that, without a popular cry, as it was called, we should scarcely be able to adopt any measure of defence. He hoped, however, that the Government would not be deterred by any feeling of this sort, or by what had been said by hon. Gentlemen opposite, from bringing forward a measure of such importance as that now before the House.

Mr. HORSMAN said, he felt strongly the responsibility resting on the Government on this question; and he was certain they were fully sensible of it themselves, or they would not have brought forward this proposition. There were certain difficulties in agreeing to the Motion. He was not aware of any precedent for a Government asking for so large an increase in the military establishment of the country, without an immediate and pressing necessity. Secondly, they proposed to raise that force by a means which failed during the last war, and which, after nearly forty years of peace, had become so unsuited to the habits and feelings of the people of this country, that it would in all likelihood fail again. The right hon. Gentleman the Home Secretary, casting aside official reserve, had stated that he based his proposition solely on the ground of necessity for improving the national defences; and he had anticipated three classes of objectors to his measure. First, those who said that the present armed force was sufficient: the statement of our existing means of defence was a sufficient answer to that. If there really were danger—and the statement of the Government was confirmed by inquiries he had made on the subject—if it were really a fact that we were liable to an invasion, there was certainly a necessity for increased means of defence. Then it was said that there was no immediate or pressing necessity; and the noble Lord (Viscount Palmerston) had said that if such necessity existed, we were now too late in providing against it. It was true we were at peace just now, and our relations were amicable with all the States of Europe; it was further said that the people of France were amicably disposed towards us. These were not assurances on which we ought wholly to rely. They might be true; or it might be that an invasion was improbable; still, our security against it ought not to rest on the forbearance of our enemies, but entirely on our own strength. Though great reliance was undoubtedly to be placed on our Navy, still, since the invention of steam, if there were a greater facility of invasion, we could not feel perfectly safe. We ought in his (Mr. Horsman's) opinion to be as well prepared internally, as if there were not a single ship to be seen on our coasts. If we required a defence against invasion, that defence ought to be by some other force, and not by a Militia. Every military authority was of opinion that if an army landing on our coasts had to contend with militia alone, our fate would be at once decided. The idea of opposing men who had been trained three weeks against the picked troops of France, was madness. Either the danger was altogether imaginary, and we needed no addition to our defences, or it was real, and we ought to have the very best defence against it. It was said that Parliament was unwilling to increase the regular Army: so it was unless sufficient cause were shown; and the same might be said in reference to a Militia. But let it once be shown that the necessity existed, and Parliament would display no such unwillingness. Of late years, there was no question on which Parliaments had been more accommodating. From 1847 to 1852, on the propositions that had been made by Government for keeping up the Estimates, opposed by Motions of hon. Members to reduce them, the Government propositions had been carried by a majority averaging four to one. During the Administration of Sir Robert Peel, Parliament had been still more disposed to support the Ministry, and had affirmed all their propositions by a majority of seven to one. This was the one question of all others on which the Government had been sure of receiving the support of Parliament, and keeping up any military establishment they thought necessary. If the necessity were now shown to exist, he ventured to assert that Parliament would grant the necessary force; for those hon. Gentlemen who objected to increase armaments, only did so on the ground that no increase was necessary. The hon. Member for Montrose (Mr. Hume) objected to a large standing Army being kept up during peace; but show him that that peace was liable to be disturbed, and that our liberties and lives were in danger, and it would be no longer a question of expenditure with the hon. Member. Others objected that the increase of our military establishments would excite jealousy in foreign Powers; but he did not think that was an objection which ought to weigh against a proved necessity. Then it was said that a large standing Army was alien to the habits and feelings of this country. That was true; but it was not proposed as a matter of choice, but of necessary defence; and then the habits and feelings were at once altered. The measure proposed would be at once costly and inefficient. A force of 80,000 militia would not be considered by any military authority as sufficient for the national defence. They might cost less than a smaller number of regular troops, but it did not follow that they would be more economical. It appeared to him (Mr. Horsman) that the great mistake made was, that of doing too much if there was no danger, and too little if there were real danger. When the second reading of the measure should be proposed, he would enter more fully into his objections to it.

CAPTAIN BOLDERO said, it was the duty of the Government to put the country in as perfect a state of defence and security as possible. That it was not so at present was evident from the vast forces which foreign countries could direct against us. The French Government was friendly disposed towards England; but as that Government was based entirely on an army of 400,000 men, and as no one could tell what future events might produce, it would only be wise to place this country in a position to meet all eventualities. Though he believed that the present Prince President of France had no disposition to attack this country, where he had so long resided, yet who could foretell what might take place during the next twelve months? Another dictator might then be placed at the head of the French army with less amicable feelings. During the late war the militia had on various occasions done good military service, and he had no doubt would do so again. It was a proper force to raise for the defence of the country. The noble Lord the Member for London (Lord J. Russell), and the right hon. Gentleman the Member for Perth (Mr. F. Maule), had declared it would be better to increase the regular Army. Why did not those right hon. Members make such a proposition when they were in office, and prepare the Estimates in accordance with it? It appeared that they changed their opinions as rapidly as they changed their seats in that House. For his part, he should be perfectly content if the Army were placed on the footing on which it stood in 1848, and a large additional force in the shape of a regular militia provided. He trusted, however, that he should never live to see the day when a foreign army should land in England; but he was convinced that if the case did occur, every arm in the country would be instantly raised to crush the invader.

COLONEL SIBTHORP said, he had the honour of holding an important commission in that most valuable force, the old regular militia, and he expressed his opinion that there was a great superiority in the measure of the present Government as compared with that of the last Government. He placed confidence in the present Government, and therefore he should support the introduction of the Bill; but he would not be bound by all the details, as he preferred the system of the old militia without alteration.

The O'GORMAN MAHON said, that without going into the details of the proposed measure, he desired to express his extreme regret at the speech delivered by the hon. Member for the West Riding (Mr. Cobden); and, on the part of his countrymen, he begged to tender to the right hon. Secretary at War his thanks for the manner in which he bore testimony to their fidelity and loyalty, whenever they were called to the defence of their country, and to the maintenance of the honour and dignity of the Crown.

The CHANCELLOR OF THE EXCHEQUER said, he merely rose to express his hope that hon. Gentlemen opposite would not call on the House to divide. The Government were, in fact, only obeying the order of the House, and all they asked for was, permission to lay on the table of the House that Bill which the majority of the House had decided should be prepared; and this was his answer to the hon. and gallant Member for Lincoln (Colonel Sibthorp); he assured that hon. and gallant Member that by his vote that night he was pledged to nothing, but to permit the Government to comply with the order of the House. It was for these reasons that he should, only for a few moments, trespass on the attention of the House. He should not be induced to attempt to answer the hon. Member for the West Riding (Mr. Cobden), who had made one of those agreeable speeches which he (the Chancellor of the Exchequer) always listened to with pleasure, though he entirely disagreed with them. The hon. Member was not merely against the militia, but against all defence. His argument was an argument against the line, against the household troops, the artillery, and the cavalry; and it proceeded on the assumption that, in the present state of the world, no country need defend itself. He (the Chancellor of the Exchequer) could not give his adhesion to those opinions. He could not agree with the hon. Gentleman that the events of the last few years, to which he had appealed, had in any way authorised his adopting those opinions, though he had triumphantly referred to them as authority for what he had stated; and when he (the Chancellor of the Exchequer) recollected, since the date to which he had referred, when the convulsions of Europe commenced, that in the course of eight weeks four pitched battles had been fought, and that the Baltic and Adriatic had been both blockaded, he really could not agree with the hon. Gentleman that those were the evidences of that halcyon period, the approach of which the hon. Gentleman seemed to anticipate. He (the Chancellor of the Exchequer) had said before, and he must repeat it, that, totally irrespective of the disturbances which we had of late years unfortunately witnessed, there were features in the present political arrangements of the world, of long endurance, which forbade him to believe that we had arrived at that period of permanent and enduring tranquillity of which we heard so often. He must repeat that, so long as he found the strongest places in the possession of the weakest Powers, so long as he observed that throughout Europe and Asia the richest countries were under the dominion of the poorest sovereigns, he felt that that was a state of things which would lead no doubt hereafter, he hoped not in our time, to very great changes, which he could not believe would be effected by any other agency than war. Upon the measure which his right hon. Friend the Home Secretary had explained to the House, he would, as he hoped no division would take place, scarcely touch; but in answer to the right hon. Gentleman the Member for Perth (Mr. F. Maule), he must say that from him he collected that his chief opposition to the measure was the contingent ballot; but he might remind the right hon. Gentleman, that in the measure which he had himself proposed, that offensive arrangement was introduced absolutely.

MR. FOX MAULE: The right hon. Gentleman quite misunderstood me. I maintained that there could be no efficient militia system without the ballot.

The CHANCELLOR OF THE EXCHEQUER: He was glad to perceive that the elements of opposition were already diminishing. ["No, no!"] At all events he would remind the right hon. Gentleman, that in this case the necessity of the ballot was a matter of opinion. It was impossible for the right hon. Gentleman or for the Government to refer to any conclusive data on that head. He could say the Government had given this subject the most painful investigation, that they had consulted the highest military authorities, that they had weighed all the evidence before them with the utmost attention they could command, and that the result of their inquiries was, that they had arrived at a different conclusion from the right hon. Gentleman. In case this measure should be adopted by Parliament, of course the future must determine which had formed the correct judgment; but he begged the right hon. Gentleman to understand that there was, upon the part of the Government, a conviction that voluntary enlistment might be appealed to in raising a militia with great and even complete success; but this was a point which the future could alone decide. With these few observations, he would again express the hope which he had already ventured to express, that notwithstanding the somewhat fiery addresses from some hon. Gentlemen opposite, the House would see that it would be the fairest and most friendly course in the present position of the question to allow the Bill to be brought in. There would be many opportunities when it could be most amply discussed hereafter, and they must all feel that no general discussion could be satisfactory until they had the provisions of the Bill before them. He trusted, therefore, that no division would take place at the present stage.

MR. BRIGHT: Sir, the right hon. Gentleman the Chancellor of the Exchequer commenced his observations by making the not unreasonable request, that the House should not oppose the introduction of this Bill; but it does strike me that the request is a somewhat singular one to come from the right hon. Gentleman. I presume that if any Gentleman has been upon those benches opposite for about a fortnight, he acquires a gravity of face with which he can ask anything whatever from this side of the House. The right hon. Gentleman sits on that side of the House by a violation of the rule which he now wishes to lay down. The Order of the House, to which he so pathetically referred, had passed before without a division, when the right hon. Gentleman enlisted under a vindictive noble Lord, who now sits below the gangway. I hope that the noble Lord the Member for Tiverton (Viscount Palmerston), having now played at tit for tat with the noble Lord the Member for the city of London (Lord J. Russell), we shall hear no more of this between those two distinguished statesmen. The right hon. Gentleman the Chancellor of the Exchequer has followed the example of almost all the hon. Gentlemen on that side of the House who have spoken since my hon. Friend the Member for the West Riding (Mr. Cobden), and who have attacked his speech either by argument or ridicule. The right hon. Chancellor of the Exchequer said, that the hon. Gentleman's argument against this Bill went against all defences whatever, upon the assumption that we had arrived at a time when no nation can be required to defend itself. Nothing can be further from the fact than that statement. The right hon. Gentleman talks as if we neglected to do anything for the defence of the country; but he appears to forget that we are at this moment providing for our defence three times the sum which the general government of the United States requires for its military establishment, and for the whole service of its general government. We are voting for a sum of no less than 15,000,000*l.* annually for the very purpose which the right hon. Gentleman takes upon him coolly to suppose that we are altogether neglecting. Now, my hon. Friend the Member for the West Riding, four years ago, opposed a proposition for the establishment of the Militia; and I venture to say that, since then, everything has only justified the course which he recommended, and which the noble Lord then at the head of the Government pursued. Now, we have had three authorities to whose observations I would refer—the noble Lord at the head of the late Government, the right hon. Gentleman the Home Secretary, and the noble Lord the Member for Tiverton; all of whom have really appeared to vie with each other in making the strongest assurances that there is not the slightest necessity for this Bill, and that not only are we at peace, but that we have greater securities for peace than ever we had before. I recollect well the noble Lord the Member for Tiverton last year admitting fully that every year we were at peace added to the securities that we have for its continuance. All three endeavour to persuade us that this Bill is introduced not in any feeling of panic. I don't say that it was. I cannot find out whether the panic was got up for the express purpose of passing this Bill, or whether the Bill is the natural result of the panic; but the two things depended on each other, and I am therefore obliged to connect them together. The right hon. Gentleman the Chancellor of the Exchequer speaks of the responsibility which he felt as a Member of the Government, and of the responsibility of the Government. Now, I can only say, you have no responsibility whatsoever upon this question, provided that the opinion of the country is adverse to the proposition which you submit. If your constituencies of the United Kingdom and the public are not in favour of this measure, then I say, that the Government is clear of any responsibility with regard to this matter. ["No, no!"] If hon. Gentlemen opposite differ from me on this point, I really cannot undertake to argue with them. It is a point which I took for granted by everybody—that a Government, a Representative Government, were not compelled to raise taxes to establish a new system of defence if the public opinion of the country was against it. Why, there is another kind of protection which you are going to abandon, on the very ground that public opinion is against it. I can assure you that I am not going into what is called the military question, because I am quite sure that if I did, I should only provoke some belligerent major-general or some pugnacious admiral; but I look at the matter simply as a citizen, and there are points in the discussion upon which I am as competent to form a judgment as any one in this House. The authorities to which I have alluded assure us that the Bill is not brought in on account of the panic, but to meet some case that might arise. If this be so, and if this Bill be as important as it is stated on the other side to be, I think we should have time to give the subject the consideration it deserves. It is very fortunate that there is no urgent necessity, and that we can give our best attention to it. If we have been thirty-seven years without it, and if during the last four years since the abandonment of the measure of 1848, no inconvenience has arisen, there can be no harm in postponing the matter for a little time longer, in order that we may ascertain the opinion of the country upon it. What I ask is, that we should not do what all Governments that have carried Militia Bills have done, namely, they have passed them by large majorities in this House, and have thereby caused a great feeling of discontent the longer they have been continued. The right hon. Gentleman tells us that the cost will be 400,000*l.* the first year, but he has left out the arms; and if the cost is to be 1,130,000*l.* for five years, exclusive of arms, we may consider that the total sum will be not less than 1,500,000*l.* for the five years. Now, the expense is not the only thing. What is proposed is, to take 50,000 men the first year, and in the subsequent years to make that number up to 80,000, and for a portion of the year, varying from three weeks to seven weeks, these 80,000 men are to be withdrawn from their various occupations. I will not take up any time in the discussion of whether the voluntary system will act, or whether you will have to apply the ballot; but I think I may fairly be permitted to assume that the ballot will be required. That is a matter of opinion upon which the greatest authorities cannot come to a positive conclusion; but we have the decision of the late right hon. Secretary at War (Mr. F. Maule) that the ballot must be resorted to. You will find it, of course, much more easy to raise your volunteers in parts of the country where wages are perhaps only 1*s.*, or 1*s.* 3*d.*, or 1*s.* 6*d.* per day, and where employment is difficult to be obtained, as in the south-eastern counties, than in Lancashire and Yorkshire, where wages range from 2*s.* 6*d.* to 5*s.* a day, and where employment is abundant. In Lancashire and Yorkshire you will in all probability be obliged to ballot; and I ask the right hon. Gentleman under what conditions the relations between capital and labour are conducted? I will take him into a large manufactory of cotton or wool, and I will show him from the floor to the roof some hundreds employed, and the works going through all its successive stages until the raw material is worked up, by means of machinery of the most costly character, and of which the cost can only be repaid by its being kept constantly employed. The right hon. Gentleman will find that in all this building the different workpeople all form successive links. It is a chain of industry of the most ingenious kind, the wonderful arrangement of which has grown up for the most part during the last half century, until it has now become the most important and productive industry in this country. The right hon. Gentleman proposes, as I understand, not to take them, as was before proposed, between the ages of twenty and twenty-three, and afterwards between the ages of twenty and twenty-one, but to ballot for all between eighteen and thirty-five of the men engaged in these delicate, difficult, and skilled operations. Now, I should like to know how he will deal with these manufacturing towns, for this is a difficulty from which he will find it impossible to escape. It is all very well for the Government to take an airing on the British Lion, as was said by the noble Lord the Member for Tiverton the other night; but when they came to work the question, and when the balloting system was put in operation, they would find that it was not the great capitalist alone, but the workmen whom they were about to withdraw from their regular and well-paid industry, who would be the steady and implacable enemies to the measure now proposed. It is not only taking a man who is earning 3*s.* or 4*s.* a day, and subjecting him to all the evil influences to a drill in the militia, but it is breaking a link in that chain in which you may do twenty times the mischief that would ensue if you only took an unskilled workman or an agricultural labourer. I wish, through the right hon. Chancellor of the Exchequer, to examine these facts which I have laid before you. I am afraid that the taking of 80,000 men for the militia would be the bringing of great evils upon this country. There are two evils which the military spirit creates. The one is that in times of great suffering and of great political excitement, you would have the people refer to arms and to conflicts in the streets as the remedy for their political grievances, rather than to debates and divisions in this House. Or you may breed amongst them a military spirit, which will lead the Kingdom to tolerate great armies, and great armies, as all the world by this time is informed, are of all things most dangerous to the security and permanent freedom of nations. If it were possible that the countries of Europe could be as free from the military spirit as this country now is, it would be impossible that the tyrannies we now see could exist. There can be no fear for the liberties of the country until, through the culture of this military spirit, you shall have taught the people to tolerate a great army, and that great army in some future day—in the days of our children or our grandchildren—may be as hostile to the liberties of our people as the armies of France have been to the liberties of the French people. What I want of the right hon. Gentleman is, that as there is no immediate urgency, not to press on this Bill in the present position of the Government, and in the present condition of the House. If we come back after the dissolution—some of us are destined to come back, and some of us not—

but such of us as come back after the dissolution may have from the right hon. Gentleman opposite, or from his successor, to consider a Bill of this nature. Well, if we have time to consider, I probably cannot give the House any expectation of a change in my views; but we shall have an opportunity of taking the opinion of our constituencies upon the subject. I have an admirable precedent for this. The hon. Gentleman is going to take the sense of the country upon a question of even greater importance than keeping out the French—the keeping out of French corn instead of French bayonets. Seeing, then, that there is no immediate urgency, that the Government is in a minority in this House, and that Parliament is not in a very steady position, and that hon. Members are indisposed to give that laborious attention to a Bill like the present, which contains 136 clauses—I ask the right hon. Gentleman whether, as we are going to the country upon another question, we had not better submit this likewise to its consideration? I have heard that of the constituency of Sheffield, which has never polled 4,000, no fewer than 2,500 have signed a memorial against this project of the militia. Such a remonstrance cannot fail to have great effect upon any Member, and therefore I certainly think we had better appeal to the whole country for its decision. The specific object for which I rose is to ask whether, if this Bill be carried by a majority, the Government will not lay it on the table, and take its second reading after we come back from the election, and when we may give this most important subject our best consideration, and when our decision may be the decision of the country.

Mr. WHITESIDE said, he had had no intention of addressing the House on the present occasion, but some opinions which had been expressed by the hon. Gentleman who had just sat down, induced him to trespass for a few moments on the attention of the House. The hon. Gentleman had talked of the gravity with which the right hon. Chancellor of the Exchequer had asked the hon. Member and those who thought with him to permit the Bill to be introduced to the House; and perhaps the right hon. Gentleman had erred in expecting that the hon. Gentleman, who was so sensitive with respect to a "pugnacious admirals, and belligerent major-generals," would exercise so much forbearance as to permit a measure the principle of which had been approved by the House, to be laid on the table. The hon. Gentleman had also severely censured the conduct of the noble Lord the Member for Tiverton (Viscount Palmerston); but he was hardly so charitable as might have been expected of him with regard to the motives which actuated public men in the course they took on great and important questions. Notwithstanding, however, the weight of the hon. Gentleman's censure—and he admitted that the censure must be estimated by its weight and the height from which it fell—he (Mr. Whiteside) was still of opinion that the public would have little difficulty in deciding whether the noble Lord, in the course he had taken on this question, had been actuated by unworthy motives, or by a patriotic desire to serve the best interests of his country. The hon. Gentleman (Mr. Bright) had urged them to leave the question of a militia to the decision of the hustings. Was this the constitution of England? Was every question to be submitted to the hustings? Were Members of that House mere delegates, bound to act according to the instructions of their constituents? or were they to give their constituents the benefit of their judgment, their knowledge, their reason, and their experience upon the questions which were submitted to them? The hon. Gentleman had said he would not argue the question with them; and he (Mr. Whiteside) must do him the justice to say that he had not argued the question. Whenever the hon. Gentleman spoke on questions connected with the manufacturers, he always listened to him with interest, because he was sure to derive instruction and profit from him; but he must frankly say that the same vigorous intellect was not apparent when the hon. Gentleman talked upon questions with which he was not particularly acquainted. He (Mr. Whiteside) wished to ask the hon. Member for the West Riding (Mr. Cobden)—for whom he entertained a strong personal respect, and who, he admitted, was entitled to the respect of every Member of the House on account of the constituency he represented, and his own great ability—he appealed to the hon. Member whether when he spoke of seeing universal peace on earth established, he really believed that the present condition of the world afforded any evidence of the near approach of that happy state of things? Did he really see rational liberty making progress, and virtue and justice triumphant? He rather thought he did not. And when the hon. Member talked of their addressing the French Government to disband their soldiers and get rid of their ships, he wished to ask the hon. Member if he would undertake to be the ambassador on such an embassy? An hon. Member had spoken of the danger which this measure was intended to guard against as infinitesimal; but with great respect for that hon. Member he begged to say that the importance of a danger was to be estimated not so much by the greatness of the assailing force, as by the inestimable value of the object threatened. Now, in the present case, the object threatened was the security of the empire; and it was of importance to protect this even from a small danger, if it were only for the happiness and contentment which it would secure. It was a wise economy to expend what was just for the preservation of the people. The hon. Gentleman said, that nations would never be contented and peaceable until they had liberty and justice fairly administered among them. If that were so throughout Europe, there were ample materials for rebellions, convulsions, and revolutions; and notwithstanding all her efforts to the contrary, England might be dragged into the quarrel. As regarded France, he admitted that while France had a constitutional Government and free discussion the danger of invasion was less; and he rejoiced to hear from hon. Members on both sides of the House that there was no danger to be apprehended from that country at present. But suppose the press were extinguished — suppose free discussion to be suppressed, and the whole civil and military power centered in the hands of one individual—would any one say that there would not be just grounds for circumspection and precaution? But invasions had not merely been threatened by Napoleon Bonaparte: his (Mr. Whiteside's) country had been actually twice invaded by the French, and a client of his had been prosecuted for a speech inviting the French for a third time to invade Ireland. These were fair grounds, therefore, for assuming that an invasion might take place. It was to give protection to all classes in that country that the late Ministry—that the present Ministry—that a majority of that House, and he believed a majority of the country, would give its support to the present measure—a measure calculated to ensure the security and tranquillity of the country, and enable it to make still more rapid strides in prosperity.

Mr. ROEBUCK said, he admitted that the ordinary course, when a measure had been prepared by the Government, was, that the House allowed it to be brought in; and he was anxious that that should be done. But he was anxious that that step should be taken for the very reason stated by the hon. Member for Manchester (Mr. Bright), for he (Mr. Roebuck) wished the country to decide upon this Bill in precisely the same way as was proposed with regard to another great measure. All he desired was, that, without dividing against the Bill, it should be laid on the table of the House, with the understanding that the sense of the country was to be taken upon it, as well as upon other measures. He understood, from the statements made in the other House, that it was the wish of the present Government not to go to the country upon one isolated measure, but upon the general tone of their policy. Assuredly this was the most important question of their Administration. To show that he did not concur in the principle of the hon. Member for Manchester, he believed there ought to be some defence, of this country. But before they assented to extraordinary means of defence, they ought, as on many previous occasions, thoroughly to sift the mode in which they employed their present resources. Having determined that, if those resources were not sufficient, he should be prepared to support hon. Gentlemen opposite in a distinct appropriation for increasing our regular military force; for he was of opinion that the division of labour entered into the business of fighting as well as everything else; and he would rather see 10,000 efficient regulars, if they were needed, added to the Army, than 80,000 good artisans converted into militiamen, making very bad soldiers. If the right hon. Gentleman the Chancellor of the Exchequer would not now, without going to the country, with regard to a matter on which the country had been thoroughly tried, upon a point of opinion which had been sifted for many years past, on which he had taken a determinate line of conduct—if he would not now come and ask Parliament to decide on that, but said they were about to go to the country upon that point, which was well understood, he would ask the right hon. Gentleman was it fair, was it wise, was it politic in him, as a mere partisan politician, to say he would ask the House of Commons to decide a point which was not sifted, not yet made thoroughly known to the country, and, where known, had created great dissension and strong feeling—was it politic to take a course with respect to the second different from that which he had determined to pursue with regard to the first? There were principles in this Bill which he (Mr. Roebuck) could not support. He believed a regular army was the thing for this country, if required for additional defence, with the addition of voluntary support. But that was not the question he was now mooting. All he asked was, that the right hon. Gentleman should lay the Bill on the table of the House, submit it to the consideration of the country, and let it be decided by the country.

Mr. BERNAL OSBORNE said, as a Member of a large constituency, he wished to join his entreaties to those of the hon. and learned Member for Sheffield, that Her Majesty's Ministers would place the Bill upon the table and take the opinion of the country upon it.

Mr. WALPOLE said, in answer to the question put by the hon. and learned Member for Sheffield, and backed by the hon. Member for Middlesex, he would remind the House that this Bill was brought in in obedience to a decision of the House. He could only add that it was not the intention of the Government to press it hastily, but to give the House and the country a fair time for consideration. They would proceed with the measure, but would not bring on the second reading until after the Easter recess.

Question put, and *agreed to.*

SUPPLY—EXCHEQUER BILLS.

On the bringing up the Report of the Committee of Supply,

Mr. W. WILLIAMS wished to know whether anything were to be done relative to the price of Exchequer bills?

The CHANCELLOR of the EXCHEQUER said, that they had no power to alter the price of Exchequer bills until June next.

Mr. HUME said, that the Chancellor of the Exchequer should take the opinion of the House before settling the price of Exchequer bills. It was his duty to watch the market, and to make the cheapest possible bargain for the public.

The CHANCELLOR of the EXCHEQUER said, that the present object was merely to complete an arrangement which had been commenced in January last. The rate of interest was settled then, and it was not in the power of the House or the Minister to alter the contract. Next June it would be open to them to propose a new arrangement.

Mr. GLYN thought that the right hon. Gentleman was under some mistake, as the bills of January had to be renewed in March. What they were now voting would apply to June. He believed there was no instance within the last century in which the interest on Exchequer bills had been lower than at present, but there never was a time when there was so much money lying unemployed in the Bank of England as at the present time. He thought it was the bounden duty of the Chancellor of the Exchequer to go into the money market and make the best arrangement he could, always taking care that the rate he fixed on was not so low as to bring the bills into disrepute.

The CHANCELLOR of the EXCHEQUER could assure the hon. Gentleman who last addressed the House, that he entirely agreed with the principles which he had laid down respecting Exchequer bills. He was perfectly aware that any rate which had been paid in former times did not apply to the time in which we lived. But he only rose to correct the hon. Gentleman in saying that the rate of interest on Exchequer bills had not rested with the present Government, since they had been in office, but that the arrangement was made by their predecessors.

Mr. W. WILLIAMS said, the rate was settled in March, and the Exchequer bills were exchanged in June. He thought they ought not to allow the Chancellor of the Exchequer to have this Vote without a distinct understanding what the rate of interest was to be. The present rate of interest was *2l. 5s. 7½d.* per annum, which was more than 2¼ per cent. The Bank of England was now lending money at 2 per cent, and he was informed that bills were now discounted in the City at as low a rate as 1½ per cent, and bills which had even six months to run at 2 per cent. He did not see why Government bills should not be considered as good as private bills. He thought that interest at the rate of 1*d.* per day would be quite sufficient. He considered that the late Chancellor of the Exchequer was guilty of a great job in giving more interest than was requisite.

MR. MASTERMAN said, that a great mistake seemed to have arisen with regard to this question, which had nothing whatever to do with fixing the rate of interest, which the Chancellor of the Exchequer had only power to do when bills became due. The Chancellor of the Exchequer had no power in this respect until next June.

MR. HUME said, that this was a vote for renewing Exchequer bills, and he thought that that House ought to take the opportunity of fixing the rate of interest.

MR. ALDERMAN THOMPSON said, that the Chancellor of the Exchequer would have the power of fixing the rate of interest at the end of the year, but it was not competent for the House now to deal with that question.

Resolutions *reported.*

MANCHESTER AND SALFORD EDUCATION COMMITTEE.

MR. KERSHAW then moved, that the Select Committee on the Manchester and Salford Education Bill should consist of sixteen Members, and that the name of Mr. Pilkington should be added to it. He did it on the ground that the friends of voluntary education were not represented on the Committee in the manner to which they had a right, considering their importance as a body, and their exertions in the cause of education.

Motion made, and Question proposed, "That the Select Committee do consist of sixteen Members."

MR. WALPOLE said, he must oppose the Motion, on the ground that it was quite unusual to have sixteen Members on such a Committee, and that if the Motion were carried, it would materially alter the constitution of the Committee, which had been settled with great care, and that too in such a way that no report made by the Committee could then give satisfaction.

SIR WILLIAM CLAY would support the Motion. There was at present only one Member on the Committee who could be said distinctly to represent the opinions of the friends of voluntary education, and he did not think that was a fair representation of the body on a Committee connected with the subject of education, in which they had taken so prominent a part. He did not think that the report of the Committee as then constituted could give satisfaction.

MR. WILSON PATTEN said, that he thought the friends of the voluntary system should have a voice on the Committee; but he had been instructed by those parties who had taken great pains in bringing this Bill before Parliament, and who had devoted time and attention to the subject for years past, to remonstrate against the constitution of this Committee on their Bill, in which there were only four Members who represented their opinions. There were certainly ten Members out of fifteen on the Committee who were known to be decidedly hostile to the Bill the merits of which were to be investigated. He was instructed, if the Motion of the hon. Member for Stockport (Mr. Kershaw) should be carried, to move as an Amendment that the Committee should consist of seventeen Members, and that at least one Member more should be added to the Committee, who should endeavour to do justice to the Bill. The promoters of the Bill felt that they had so little chance before a Committee so largely constituted of opponents, that they were almost inclined to withdraw the Bill.

Amendment proposed, to leave out "sixteen" and insert "seventeen" instead thereof.

MR. KERSHAW should have no objection that the Committee should consist of seventeen Members. He had not objected to a single name on the Committee; all he wanted was, that the important body to which he had referred should be fairly represented there.

MR. MILNER GIBSON said, he could confirm what had been said by the right hon. Secretary of State for the Home Department, with respect to the difficulty of constituting the Committee as now proposed to the House. He, to a considerable extent, represented a great body who were in favour of secular education, and on their behalf he had also to complain of their not being quite fairly represented on the Committee. That body were supported by a petition signed by not fewer than 60,000 inhabitants of the district, and they had expended large sums in supporting their views, and in gaining public support. He quite agreed that the supporters of the voluntary system should be fairly represented, and his own individual opinion was not adverse to having another Gentleman of those views on the Committee; but having agreed with the right hon. Gentleman the Secretary of the Home Department as to the constitution of the Committee, he felt bound to stand by that agreement. He thought that the interests of all parties would be consulted by not disturbing it.

Question, "That 'sixteen' stand part of the Question," put, and *agreed to.*

Main Question put, "That the Select Committee do consist of sixteen Members."

The House *divided:*—Ayes 24; Noes 53: Majority 29.

The House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, March 30, 1852.

MINUTES.] PUBLIC BILLS.—*Reported.* Personal Estates of Intestates.
3ª Proclamation for Assembling Parliament.

THE CRYSTAL PALACE.

LORD CAMPBELL rose to put a question to the noble Earl at the head of the Government respecting the continuance of the Crystal Palace. After expressing his sincere admiration of that wonderful structure, and of its immortal author, Sir J. Paxton, he wished to know what were the intentions of Her Majesty's present Government regarding its continuance.

The EARL of DERBY replied, that Her Majesty's Government had taken into consideration the report of the Commissioners, which stated that this beautiful building should disappear, as it had answered all the objects for which it was erected. The Government had therefore determined that the contractors should be called upon to remove it.

DIGEST OF THE STATUTORY AND CRIMINAL LAW.

LORD BROUGHAM presented a petition from Pwllheli, for the extension of the County Courts jurisdiction. He wished now to ask once more the best attention of the Government to the important subject of the digest of the law, which he had often brought before the House. Their Lordships were aware in what position this question stood. After a most able and learned report on the digest of the statute law, civil as well as criminal, made by the Common Law Commissioners in 1835, those learned persons had been instructed to digest the criminal law, common as well as statute, and had printed a digest of crimes and punishments; upon which he had brought in a Bill, and on the suggestion of his noble and learned Friend, then Chancellor (Lord Lyndhurst), had referred it to a Revision Commission, which reported it again, with improvements, in 1845. He (Lord Brougham) again brought in the Digest Bill, thus improved, and it was referred to a Select Committee, which had communicated with all the Judges of the United Kingdom, from several of whom important answers had been received, while the others offered no objections. In 1849, the Commissioners presented their digest of criminal procedure, a work of much greater difficulty and importance, and it was agreed between himself and Lord Cottenham that the same course should be pursued as he had agreed with Lord Lyndhurst on the other digest, namely, referring it to a Revision Commission. Instead of this, unfortunately, by an oversight, he was sure, though the contrary had been stated, the Commission was suffered to expire; and when he called upon the late Government, in June, 1850, to renew the Commission, in order that all the expense already incurred, and all the labour bestowed on this great work might not be thrown away, it was clear that the whole might be finished in six or eight months, certainly within the year; the expense of it being provided also without any burden to the country. That offer was courteously declined; and it was stated that without renewing the Commission, steps would be taken to secure the benefit of the Commissioners' labours, meaning, of course, that the Digest would be forthwith completed, which they had so nearly finished. Nearly two years have elapsed, and nothing has been done. He strongly urged the Government to lose no more time in renewing the Commission. Some of the able and learned persons of whose labours he had spoken were no more; Mr. Starkie's loss was a serious one. But Mr. Ker, Professor Amos, and Mr. Ryan, remained, with the secretary, Mr. Lonsdale, whose assistance had been invaluable. The whole expense of the Commission from the beginning had been between 50,000*l.* and 60,000*l.* Of this, the greater part had been incurred by the preparation of the Criminal Law and Criminal Procedures Digests, between 30,000*l.* and 40,000*l.* Nothing could be more improvident than allowing all this to be absolutely thrown away, when by renewing the Commission for a single year, the whole labours of the Commissioners would be made available to attain the most important of all objects, a complete digest of our criminal law.

DISSOLUTION OF PARLIAMENT.

The EARL of MINTO, seeing the noble and learned Lord opposite (Lord Lyndhurst) in his place, was anxious to ascertain whether it was his intention to proceed any further with the measure which he had introduced, for enabling each House of Parliament to take up in an ensuing Session, in the state in which they were left, such measures as might be in progress through either House at the termination of any Session? He asked this question in consequence of the intimation made by the noble Earl at the head of the Government, that there would be an early dissolution of the present Parliament. It was quite obvious that, in the short and hurried Session which would follow the general election, many measures might pass through one House, but for want of time might not pass through the other before the prorogation took place. He thought it was desirable, if possible, that a measure such as that introduced by the noble and learned Lord should be passed by the present Parliament, as it was possible that in the next Session their Lordships would have a good deal of leisure.

The EARL of DERBY: Before my noble and learned Friend answers that question, I beg to correct a misapprehension under which the noble Earl labours of what fell from me some nights ago, in answer to a question put to me by a noble Lord, as to the probable duration of the present Parliament. It has been alleged that, in answer to that question, I stated that the present Session would be one of an unusually short duration. I stated nothing which could lead your Lordships to form that opinion—in fact I cannot form any opinion myself as to the probable duration of Parliament. The duration of the present Session depends on circumstances over which I have no control. But I beg at the same time to say, that, so far as I can form any opinion of the duration of the next Session, so far from its being a short and hurried one, as my noble Friend seems to suppose, I have reason to think that, commencing as it probably will at an early period, it will be a Session of no ordinary duration. What I stated the other day, in answer to the question put to me on this subject, was to the effect, that I thought it was desirable that the autumn should not pass over without Parliament coming to a decision on a question deeply affecting the welfare of the country; but I certainly did not lead, nor did I intend to lead, the House to the impression that there would be an early dissolution of the present Parliament in spring, to be followed in the summer by what the noble Earl calls a short and hurried Session. On the part of Her Majesty's Government, I made no such statement. With regard to the particular subject on which the noble Earl proposes to ask a question of my noble and learned Friend, I beg to observe, that whatever may be the views of my noble and learned Friend and myself with regard to the expediency of passing a measure to enable either House of Parliament to take up in a following Session a measure which was in progress through Parliament in a preceding Session, I never contemplated asking the House to sanction a measure for enabling us to continue in one Parliament a Bill commenced in another.

The EARL of MINTO said, he had been misunderstood by the noble Earl. He had understood the noble Earl to say that there would be an autumnal Session of the new Parliament; and also that no business except of a very urgent and important character should be discussed in the present Session. Assuming, therefore, that the Session might terminate before many Bills now in progress were passed through both Houses, he had thought it expedient that the measure of the noble and learned Lord should be urged forward.

The EARL of DERBY: I certainly expressed my opinion that Parliament should meet in autumn, and that none but urgent business should be transacted in the present Parliament; and I also expressed an opinion that certain questions should be disposed of previous to Christmas, in order that the ordinary duration of the Session of 1853 should not be interfered with by the agitation of those questions. I contemplated, no doubt, an autumnal Session; but did not contemplate that which the noble Earl seems to anticipate, namely, an autumnal Session followed by a prorogation of Parliament.

The DUKE of NEWCASTLE said, the explanation now given by the noble Earl at the head of the Government was not in entire accordance with his understanding of what fell from the noble Earl on a former night, and, he was bound to add, with the understanding which prevailed with those noble Lords who then expressed themselves entirely satisfied with the answer; nor was it, in fact, in accordance with the general interpretation of the country. The noble Earl had certainly stated the latter part of the answer he then gave with perfect correctness; but he thought the noble Earl would not deny that, in answer to the question which he (the Duke of Newcastle) put to him, he also stated that he did contemplate an early dissolution of Parliament; that he did think that it would not be right to persevere with any measures of legislation except such as were of instant urgency; and also—which was a point of the utmost importance, and which rendered his explanation the more satisfactory—he stated he would not pledge himself to the dissolution of Parliament on any definite day —a thing which he (the Duke of Newcastle) never asked him to do—he would not say whether the dissolution would be in the month of April, May, or June.

The Earl of DERBY: I made no such statement.

The Duke of NEWCASTLE must really appeal to their Lordships whether it was not within their recollection that the noble Earl stated distinctly such words as he (the Duke of Newcastle) had quoted. If the noble Earl would say that he made that statement without consideration, he (the Duke of Newcastle) was perfectly ready to admit that the statement was so made; but if the noble Earl altogether denied having thus expressed himself, he must say that the noble Earl had forgotten the statement; for most unquestionably (and there were other means than his—the Duke of Newcastle's—recollection of ascertaining the fact) the noble Earl said he would not pledge himself as to the time of the dissolution—he would not say whether it should be in the month of April, May, or June.

The Earl of DERBY: My Lords, the noble Duke, I think, has misapprehended what fell from me on a previous occasion. I said on that occasion that I would not pledge myself as to the day upon which I should advise my Sovereign to dissolve the present Parliament. I stated that I could not name May, June, or July as the month in which I should advise a dissolution to take place; but I stated that I thought it was expedient that the autumn should not pass over without the new Parliament having an opportunity of discussing particular questions of great importance; and I added, in almost the words which I have repeated to-day, that I thought it was expedient that these questions should be disposed of before the ordinary period of assembling Parliament for the Session of 1853. My Lords, that statement I again repeat—beyond that I cannot and will not go.

ADMINISTRATION OF JUSTICE IN LUNACY.

Lord LYNDHURST said, that the object which he had in view in moving for the Returns of which he had given notice, was to lay the foundation for extending the provisions of an Act which he had himself brought in in 1842 for the better administration of estates in lunacy, where the proprietors had been found lunatic under a commission. In order that the subject he was about to introduce might be made intelligible, he would beg leave to call, in a few words, the attention of their Lordships to the administration of justice in lunacy previously to the introduction of the Act which he had just mentioned. Before that Act the commission in lunacy was directed to three persons, generally named by the attorney suing out the commission, and residing near the place where the lunatic lived, who were to act as commissioners. As these places were frequently remote and obscure places, it happened not seldom that these commissioners, who were appointed to inquire under the authority of the Great Seal, were but little informed of the duties which they had to discharge. It was, therefore, no wonder that their returns were often set aside on account of irregularity or insufficiency. He had seen a list of such returns, and they amounted in ten years to 60. He did not go so far as to say that in all cases their returns were quashed, but in many cases they were so; and, therefore, it was necessary to have a new commission and a new inquiry by a new jury at the expense of the estate of the lunatic. In addition to this, the commissioners were paid not by salaries, but by fees. Each of them received 5*l.* a day during the time he was discharging his duty as a commissioner, exclusive of certain fees to which he was entitled. This applied to commissions worked in the country; but the fees which the commissioners received in London were double the amount of the fees received in the country. Thus the commissioners received in the country 20*l.* a day, and in London 40*l.* a day. In the case of Lord Portsmouth, which was a London case, the fees paid to the commissioners amounted to no less a sum than 1,070*l.*; in the case of Mr. Davenport to 500*l.*; and it was a usual thing for them to amount to some hundred pounds.

Besides being paid by fees, the members of the jury which sat in the case were each paid a guinea a day; and the solicitors on each side were remunerated according to the length of the duration of the commission; so that of all the parties engaged in it none were interested in shortening the inquiry or in bringing it to an early termination. Formerly a very great abuse prevailed, to which he put a stop as soon as he became acquainted with it. At the end of each day the parties engaged under the commission assembled at some tavern or in the neighbourhood to partake of an entertainment at the expense of the lunatic—refreshing themselves for their labours at the end of the day, according to the advice of the poet—

> "Tu sapiens finire memento
> Tristitiam vitæque labores
> Molli, Plance, mero."

He had objected to the practical application of these lines in cases of lunacy. This expenditure he had already stated, was at the expense of the lunatic, or alleged lunatic. After a verdict was obtained under the commission, the proceedings were transferred to the office of a Master in Chancery, with all the expense, uncertainty, and delay which attended that ancient but worn-out and condemned establishment. By the Act of 1842, which he had introduced, all the business in lunacy was transferred to two Commissioners, named in the Act, who were both gentlemen of great learning and experience. When a commission is to be executed, one of them goes to the spot where the alleged lunatic resides, summons a jury, and presides over the inquiry. After the verdict is found, the Commissioner being on the spot, and surrounded by the relatives and friends of the lunatic, examines them on *vivâ voce* evidence, and obtains from them all the materials necessary for conducting and administering the affairs of the lunatic's estate. He also ascertains who is the next of kin to the lunatic, who is his heir at law, what is the extent of his estate, what should be the nature of the allowance made him, and who are fit persons to be committees for his estate and person. All these matters were formerly to be established in the Master's Office upon numerous affidavits, and at great expense to the lunatic's estate; but now the Commissioners have interviews with the relations of the lunatic, and the arrangements are made in a manner agreeable to all the parties who happen to be interested in the estate of the lunatic. Such were the objects of the Act which he introduced. His noble and learned Friend (Lord Cottenham) opposed it; but only upon one ground. He said that it would be impossible to transact all the business in lunacy by two Commissioners. He (Lord Lyndhurst) differed from his noble and learned Friend on that point; and time and experience had since proved that he (Lord Lyndhurst) had formed a correct judgment of the powers of the Commissioners to transact business. Every commission is now executed within a few days from the time at which it is issued. All matters connected with the management of the lunatic's estate are now transacted not in the Master's Office, but in the office of the Commissioners. Except in the first year after the working of the Act, there never were any arrears of business in their office. In that year there certainly was an arrear, in consequence of an immense accumulation of business having been transferred from the Master's Office to theirs; but at the end of that year the arrear was worked off, none had accrued since, and the manner in which the business had been transacted had given satisfaction to all persons in the profession. He should now proceed to explain the alterations and extensions which he meant to propose in the present system on conducting business in lunacy. He had intended to propose them as soon as he had acquired experience of the working of his Bill. He had, however, given up the custody of the Great Seal before he could carry his intentions into effect, and since then everything had remained stationary. Now it was material to call the attention of their Lordships to the expense of managing the estate of a lunatic. In every instance where anything was to be done, an application must be made to the Lord Chancellor, not in his character and capacity of Lord Chancellor, but in his character and capacity of guardian of lunatics, acting under a warrant from the Crown under the sign-manual. The Lord Chancellor made an order upon such an application, and a reference was then made to the Commissioner to inquire into the matter. He made his inquiry and report. Another application was then to be made to the Lord Chancellor for the confirmation of the report; and after the report was confirmed, another application to the Lord Chancellor was necessary to obtain an order to carry the report into execution. This circuitous mode of proceeding was attended with great expense. Take, for instance the case in which a lease was to be granted, reserving a rent of 20*l.* a year. Application must be made to the Lord Chancellor; and what did their Lordships imagine was the average amount of expense necessary to obtain power to grant such a lease? It was about 60*l.* or 70*l.*, and it would not be less for granting a lease with a reserved rent of 20*l.* a year. Take also another instance where repairs were to be made. Nothing could be done without application to the Lord Chancellor, and where the repairs only amounted to 50*l.*, there would be a bill of costs to the same amount for obtaining leave to make them. So, with respect to many other things, in administering the estate of the lunatic, in appointing a new committee for his person or for his property, and for varying any former arrangement, and in fact in every variety of circumstance constantly occurring in the administration of every estate, expense must of necessity be incurred. To put an end to such expense, what was it that they recommended? He wished to call the attention of the Lord Chancellor to a mode of proceeding which might put an end to this, somewhat similar to what had been done under the Winding-up Act, and under the Irish Chancery Act of last Session. What he proposed was, that in correspondence with the provisions of those two Acts, an order should be made in the first instance, not by the Lord Chancellor but by the Master in Lunacy—that is, by the Commissioner in Lunacy, for he is known by both names—and that his order should be binding and conclusive on all parties, if it were not appealed from to the Lord Chancellor within a given time —say seven or ten days. In this way an immense saving of expense would be made. He had mentioned the Winding-up Acts and the Irish Chancery Act as authorities for the alterations which he recommended, and he trusted that his noble and learned Friend on the woolsack would consider his proposition. There was also another material point connected with the administration of estates in lunacy. It did not appear to him at all necessary that the commission should actually issue in all cases. In bankruptcy the commission was dispensed with, and the fiat was issued, and had the same effect as the commission. He proposed to follow this precedent—that the commission should be dispensed with, and that the fiat of the Lord Chancellor should have the same effect as the commission. More material still was the expense of the grant of the custody of the personal estate of the lunatic under the Great Seal. It cost 25*l.* He proposed that that grant should not be continued, but that the order to the Commissioner, to which the Great Seal is affixed, should have the same effect as a grant from the Great Seal, whereby the whole expense would be saved. He came next to a consideration which was of more importance and of considerable difficulty, namely, the time of inquiry into the fact of lunacy by the Commissioner. That time often run to a very great length; for although there might be no question of law in the case, there might be a conflict of evidence as to facts. The mode of proceeding was very simple. The counsel prosecuting the commission opens his case and calls his witnesses. When that is done, the counsel appearing for the lunatic, or the alleged lunatic, also states his case and calls his witnesses. Then the counsel prosecuting the commission makes his reply and comments on the evidence. It is like an ordinary case at assizes. The length to which the inquiry runs arises from the conflict of evidence, and from the number of witnesses on one side or the other. For instance, a number of medical men are called on one side who affirm the lunacy, and this renders it necessary to call a number of medical men on the other side, if there be any who affirm the sanity. He did not know how this part of the inquiry could be shortened. It must be left to the counsel prosecuting the commission to say what witnesses are required to establish his case, and to the counsel on the other side to say what witnesses are necessary to establish the sanity of the alleged lunatic. You could not, then, shorten that part of the inquiry without incurring the risk of doing injustice. There was, however, one consideration to which he wished to call the attention of his noble and learned Friend on the woolsack, as calculated to abridge the extent of the inquiry to a very considerable extent. The inquiry at present is not confined to the period when the commission issues, or to the time when the inquiry is going on—but it may go back for as many years of the alleged lunatic's life as the Commissioner thinks fit to examine into. The inquiry is not limited as to this or that day; but it may run through many years of a man's whole life, and thus may be indefinitely prolonged. What advantage was to be derived from this mode of proceeding was not apparent. Moreover, the finding of the jury upon such an inquiry was not conclusive upon any person who was not a party to it—for instance, if the lunatic has contracted a debt subsequently to the period to which the verdict applied, nothing could prevent a creditor from going into a court of justice to prosecute his claim for it, or from attempting to establish the sanity of the lunatic at the period when he contracted it. The finding of the verdict of lunacy was merely *primâ facie* evidence against the debt. The result of the first inquiry is not conclusive, and practically no advantage is derived from carrying back the inquiry to a period prior to the issue of the commission. Now supposing, for the sake of argument, that some advantage arose from that mode of procedure, still it was not sufficient to compensate the expense entailed on the estate by the prolongation of the inquiry; and he (Lord Lyndhurst), therefore, submitted it to the consideration of his noble and learned Friend on the woolsack, and of his other noble and learned Friends in that House, whether it was not advisable to abandon this part of the inquiry, or to reduce it within narrow limits, which might either be fixed or left to the discretion of the learned person who conducted the inquiry. There was also another material circumstance connected with the execution of the Commission, to which he wished to draw their Lordships' attention—the question of costs. It sometimes happened that some individual got hold of the lunatic, or the alleged lunatic, and, under the pretence of protecting him, induced him to incur great expense, in order to put the costs of resisting the inquiry into his own pocket. Now, it was difficult to exercise control over conduct of this description; but he proposed that their Lordships should consider whether such a practice could not be checked by investing the Commissioner with a discretionary power to limit the costs as he thought proper, when he saw misconduct of this nature, and to award such an amount of them as would meet the justice of the case. He well knew that an impression had gone abroad that the length of the inquiries in cases of lunacy was intolerable. He had taken some pains to inquire into the facts connected with this point. In the last ten years not more than nineteen out of the great mass of Commissions had occupied more than one day, and not more than five had occupied more than two days; so that the very long inquiries were not the general but the exceptional cases. Their Lordships ought not to suppose that these very prolonged inquiries had reference to matters of lunacy only. Cases of similar length occasionally occurred both in the courts of common law and in those of equity, and they arose from a conflict of evidence. Not a long time ago there was a case of fraud in one of the Courts of Chancery which occupied that Court for fifteen days. It was decided in that Court, and afterwards went before the Lords Justices on appeal, where it again occupied the same time. He had had some experience in the cases of which he spoke. [Lord BROUGHAM: Small *v.* Attwood.] In one case a commission of lunacy had issued, and only three or four hours were necessary to establish unsoundness of mind against the lunatic. Some time afterwards the case came before him as Lord Chancellor, when it was sought to set aside the Commission, on the ground that the lunatic had recovered his senses; and on this point there was a great conflict of evidence. Witnesses were brought from Paris to establish the sanity of the lunatic. He had also been examined by several medical men in Paris, who upon affidavits declared him to be sane. A similar inquiry was therefore instituted by medical men in England. Some of them declared the lunatic sane; others gave contrary evidence. The case was conducted before him as Lord Chancellor by his noble and learned Friend opposite (Lord Truro), for Mr. Dyce Sombre, with his usual ability. There was no waste of time; there were no irrelevant topics introduced; but there was a great conflict of evidence. The inquiry was long, and he was ultimately of opinion that the sanity of Mr. Dyce Sombre was not established. After he had made up his mind on the subject he had a long conversation upon different topics with the lunatic, who appeared perfectly sane for some time, and he (Lord Lyndhurst) did not know what to make of the matter; but afterwards, Mr. Dyce Sombre) got excited, and said that he had been offered a Peerage by a certain nobleman on condition that he would not expose overtures which had been made to him by ladies of high rank and station. By-and-by the lunatic got more and more excited, and said there was no doubt of the fact. He (Lord Lyndhurst) asked him the name of the nobleman who had waited upon him; but he replied that the communication had been a confidential one, and that he could not venture to divulge it. As a matter of curiosity, he (Lord Lyndhurst) then asked the lunatic who the ladies were; but the reply was—that this was a point of honour, and could not be disclosed; he still, however, adhered to the same story. Afterwards another application was made before Lord Cottenham to supersede the Commission, and the proceedings extended to the same length as before, the result being that that noble Lord refused the application upon the evidence which came before him. In the early part of the inquiry, before the issuing of the Commission, that gentleman had sent a challenge to the Archbishop of Canterbury. He said to him, "You must give me satisfaction. Meet me in Hyde Park. I shall expect to see you on a white charger. I myself shall meet you on a black charger." This happened at an early part of the inquiry, the jury were satisfied of his insanity, but after two years he was supposed to have recovered his senses, and an application was made for a *supersedeas*. He mentioned all these facts to show, that where there was a conflict of evidence like that which existed in the instance to which he had alluded, the case must be thoroughly heard, and that all that could be done to abridge such proceedings was to check the counsel from going into irrelevant matter. Another point to which he would call the attention of their Lordships was that of the jury. At present a jury of twenty-four were summoned; they were somewhat of the character of a grand jury, for it was sufficient if a majority of them agreed. In nineteen cases out of twenty there was no defence, and he could not understand why in these cases any jury should be summoned at all. He should propose, that after notice had been given as to the time of executing the Commission, unless a notice was served at the office that a jury was required to be summoned, he should propose that no jury should be summoned, but that the Commissioner or Master in Lunacy should by himself decide the question. He thought, also, as the course of proceeding was different now from what it was formerly, that less than twenty-four jurymen should be summoned in the cases that were defended. What the precise number ought to be, he should not at that moment determine; that would be a subject for future inquiry. A noble and learned Friend of his had suggested that it would be better not to have a jury at all, but to leave the question as to the sanity of the lunatic to be decided, even in a contested case, by the learned person who should preside at the inquisition. Now, to such a course he (Lord Lyndhurst) must confess he had a strong objection. He thought that before you dispossessed a man of his property and restrained his person, the alleged lunatic had a right to have the question of his sanity decided by a jury. This proceeding insured publicity, it insured proper investigation, it was a great protection to the lunatic, and he should be extremely sorry to see, in these disputed cases, a jury altogether dispensed with. There was another objection which might be urged to this suggestion. Upon no subject were so many different fancies and theories entertained as on the question what constituted unsoundness of mind. In a disputed case of sanity there were sometimes six medical gentlemen on the one side affirming the sanity, and six on the contrary declaring the insanity, of the alleged lunatic; and there would be a danger that the presiding officer might have a fancy, or theory, or some opinion on the subject, peculiar to himself. It would not be safe, therefore, in his opinion, to trust a decision in such a case to any single person; but the point should be submitted to the judgment of men of plain understanding, empanelled in the form of a jury. It had been further suggested that it would be better to do away with these inquiries before a commission altogether, and let the question be decided by a Judge and jury at assizes or in London, according to the locality of the alleged lunatic. He did not know, however, that this would be an improvement in the system, even if the suggestion were practicable; and he was clearly of opinion that it would not be practicable. In the first place, it was absolutely necessary, upon an investigation of this kind, that the Judge and jury should see the lunatic. Usually they examined him, putting questions with a view to test his soundness of mind, and the result of that examination very often decided the whole issue of the inquiry. Now, how was this to be done at the assizes? It constantly happened that the lunatic could not be removed; his removal was very often attended with great pain; and there was this further objection, that the noise and excitement occasioned by the assizes would very materially increase the malady under which the subject of the inquiry laboured. At present the inquiries of a commission were generally carried on in the immediate neighbourhood of the lunatic. It was often a matter of importance to examine the house in which he lived, the circumstances under which he was locally placed, what were his domestic habits, and all the details of his mode of living. How could a Judge and jury examine into all these details? The witnesses now, moreover, were usually examined on the spot on which they resided, and they were enabled to return to their ordinary occupations without trouble or much expense; but if the inquiry took place before a Judge at the assizes, all these witnesses must be removed to considerable distances from home, and the expense to the estate would be enormous. The inquiries at assizes, moreover, were not always very short. No Judge acted with more decision than the Lord Chief Justice in keeping counsel strictly within the line of their duty, and preventing them from wasting the time of the Court; but on an inquiry of this kind before his noble and learned Friend, concerning a disputed will, a case lasted for several days. His noble and learned Friend (Lord Campbell), with a perseverance and strength of mind peculiar to himself, sat for seventeen hours on the first day, for eighteen hours on the second day, and for fourteen hours on the three other days, almost destroying the jury, who were not equal in vigour to his noble and learned Friend, before the verdict was pronounced. He said, therefore, that, in the first place, as far as he could see, there would be no advantage in changing the tribunal, and, in the next place, he believed it would be found impracticable and injurious, occasioning great expense to the lunatic, and narrowing also the means of investigation. Another point of considerable importance was as to the right of the alleged lunatic to a new traverse. The question was whether after a jury of 12, or more, had pronounced a person to be of unsound mind, he should have a right to carry the case before another jury, in order to vindicate his state of mind. On this point Lord Hardwicke and Lord Thurlow considered that the right was permissive, and at the discretion of the Court; while Lord Rosslyn and Lord Eldon were of a different opinion, and thought the alleged lunatic possessed an absolute right of traverse. Lord Cottenham decided according to the latter view, that it was an absolute right; and within two days from this time the same question had been again argued before the noble and learned Lord who now occupied the woolsack and the Lords Justices, and they had pronounced an opinion corresponding with that given by Lord Cottenham. Although in the case before Lord Cottenham, he was satisfied with the propriety of the verdict, yet, on seeing the lunatic, he felt he was bound to give him leave to traverse; and the same course had been adoptod by his noble and learned Friend on the woolsack. Now the reasons for allowing the ordinary traverse in the old times were quite apparent; but those reasons appeared to him no longer to exist. This inquiry under a commission was formerly an inquiry to entitle the Crown to the custody of the person and estate of the lunatic; and it was originally entirely an *ex parte* proceeding, in which the lunatic had no right to appear and protect himself by counsel, but was a mere passive instrument. That form of inquiry, however, no longer existed; the lunatic now had regular notice before the commission was opened; he had a right to attend in order to contest the evidence; and, in fact, it was like an ordinary trial at the assizes. There seemed, therefore, now no reason whatever why, after the decision of the commission against the lunatic, he should have a right to carry the question before another tribunal, where it would be submitted to the decision of another jury. He therefore proposed to extinguish the absolute right of the lunatic to traverse, and indeed it was a question with him whether any other sort of traverse should be allowed. It might be left to the Lord Chancellor for the time being to exercise such discretion as he thought proper in such cases, for the purpose of preventing anything injurious to the lunatic, either by ordering a new trial, or by any other way he might think fit. He should propose, therefore, that traverse be altogether disallowed as a matter of right. He had now made the observations and suggestions he wished to make with reference to the Acts of 1842 which he had introduced; and he would now say a single word with respect to the Act of 1845. If a person were confined in a licensed house under the certificate of a medical man, and continued in it for a month, one of the Commissioners, or the Master in Lunacy, might examine him, and ascertain whether he was of unsound mind; and if so, he would have a right to assume all the authority now exercised under commission, for the purpose of administering the estate of the lunatic. What he proposed was, that the powers given by this Act should correspond with the powers given under a commission of lunacy. This was a subject to which he wished to call the attention of his noble and learned Friend. He would conclude by stating that he knew his noble and learned Friend, the Lord Chancellor, was so anxious to introduce, as far as possible, perfection in every department of the administration of justice under his control, that he might safely leave the case in his hands. He (Lord Lyndhurst) was desirous of consulting and co-operating with him, for the purpose of carrying into effect as many of the suggestions he had made as he thought could be adopted consistently with the security of the lunatic and the advantage of the public. He should conclude by moving for various returns relating to the cost of a Commission in Lunacy and various other proceedings in Lunacy; to the amount of fees paid in various named cases; and to the duration of inquiries under Commissions.

The LORD CHANCELLOR said, he had not been at all aware of the particular topics which would be introduced by the noble and learned Lord who had just addressed their Lordships; and although he had, of course, given the deepest attention to the statement he had made, yet it could not be expected that he should commit himself at once to any of the numerous suggestions for the amendment of the existing law which had been made by his noble and learned Friend. At the same time, he had no difficulty in saying that there were very few of those suggestions which did not appear to him to be worthy of very serious consideration. The great object to effect in lunacy proceedings was, in the first place, to secure a sufficient maintenance for the lunatic, which sometimes was the last thing thought of; and, in the next place, to save the lunatic's estate from great expense; and any measure which proposed to carry out that twofold view could not fail to be very useful. Their Lordships were deeply indebted to his noble and learned Friend, not only for the manner in which he had introduced the subject to which he had just called attention, but for the new tribunal in cases of lunacy which had been introduced by him in 1842, and which had been found to work admirably well; and the existence of that tribunal would enable their Lordships to carry into effect any future improvements with more facility. The speech of his noble and learned Friend had opened many and serious considerations. The great thing to accomplish now was to discourage the vast expense under commissions of lunacy. At present those commissions seemed to be issued, and maintained, and worked with a view to expense, and to the benefit of everybody but the lunatic; and the last thing thought of in many cases was the maintenance of the lunatic himself. Most of the propositions of his noble and learned Friend might, it appeared to him, speaking on the moment, be readily adopted, and some of them were of very great importance. He agreed with him that it would be undesirable to abolish altogether trial by jury in cases of disputed lunacy—to say that they would take away the liberty and estate of the subject without the benefit of a jury was quite impossible; but this, he thought, was perfectly clear, that there were a great many cases, where there was no question as to the insanity, in which such a trial was an idle waste of money, at the expense of the lunatic himself whom you were seeking to protect. You protected him by this trial, indeed, but it was at the expense of his property; and you left him without the means of maintenance by a measure which was not of the slightest benefit to him. This was especially true as regarded lunatics possessed of small property; in which case every care ought to be taken to avoid unnecessary expense. Under the last Act, the detention of a party in an asylum was considered as showing *primâ facie* that he was properly a subject for the care of the Great Seal. That principle might certainly be extended—not to cases where the party was desirous of having a jury, but to the majority of cases, where no witnesses were examined, where the party was manifestly insane, utterly incompetent to take care of himself, and had very small property, hardly sufficient for his maintenance. In such cases the party ought not to be compelled to bear expensive litigation, the summoning of a jury, the examination of witnesses, and all the steps aptly and very properly applied to men of large means. If the Legislature provided for the safety of lunatics of small estate, they must take care to avoid expense in the way pointed out. The question of traverse was one of very great difficulty. It was proposed, as he understood, that the Lord Chancellor for the time being, or any person holding the sign-manual or warrant from the Crown, should have perfect discretion in regard to applications to traverse; and he was to decide whether or not there was to be a new trial. Now, he thought there were objections to such a proposal. Take the case which had just been decided—that of Mrs. Cumming. It occupied the attention of a jury for sixteen days; and if the Lord Chancellor, or other person empowered, was to exercise a discretion in the way pointed out, he would necessarily have to go through all the evidence taken before the jury, and the whole of that evidence must be copied for the counsel and the court, for the purpose of making the application; and, after occupying as many days before the Lord Chancellor as it did before a jury, if it should be at last decided that the case was a doubtful one, the whole case must be sent to another jury, to be tried over again. There were very few cases—certainly not the one in question—in which the alleged lunatic's property would bear that expense. The question was open to all sorts of difficulty. It had been suggested that there might be a trial at *nisi prius*. Now, there was nothing he should more object to, in general cases, than to the trial of a question of sanity at *nisi prius:* and, as to the appearance of lunatics at Assizes to be examined by the Judge and jury, which was absolutely necessary—he never knew it neglected, and it ought never to be neglected—it was likely, setting aside the inconvenience and expense of the proceeding, to have a most injurious influence in exciting and irritating the minds of those alleged to be insane. His noble and learned Friend had not overstated his (the Lord Chancellor's) anxiety to perfect the administration of justice. There was no man more anxious than he was to save expense to the lunatic's estate, while at the same time sufficient protection was afforded to the lunatic himself; and when he was in another place he had devoted much attention to this particular subject. He had inspected himself a large number of the lunatic asylums; he had examined all the details, and he believed that his labour had not been thrown away. He could not, however, promise to enter at present into the large field of inquiry into which the noble and learned Lord had invited him; although he should be ready to do so as soon as he had disposed of that other question of law reform relating to the Court of Chancery. He repeated that it would be impossible for him to answer at once all the demands made upon his time; and it would be therefore necessary to reserve for the present the consideration of this subject. He would, however, at some future time, cordially join his noble and learned Friend in the endeavour to effect some satisfactory improvement in the present administration of justice in lunacy.

Lord LYNDHURST said, that with regard to the traverse, according to the present system it was necessary to go through the same forms and the same examinations as were incumbent upon the original trial. In applications for new trials in the Common Law Courts, they were never granted unless at the recommendation of the Judge who presided at the trial at *nisi prius*.

Lord TRURO: I fully concur in the expediency and importance of reviewing the present course of judicial proceedings in matters of Lunacy, as I am convinced that that course requires and will admit of considerable improvement. I have had several communications with different officers connected with the administration of the law in that department, and I perceive that several of my noble and learned Friend's remarks apply to matters and suggestions which I have brought under his attention; and although I do not think the present occasion is the best calculated to lead to a satisfactory investigation of the merits of those suggestions, I beg your Lordships' permission to make a few observations upon that part of my noble and learned Friend's speech which referred to the suggestion of dispensing with the holding of inquisitions in lunacy as at present practised; but I hope that at some future opportunity the subject will receive considerate attention. The manner in which my noble and learned Friend has referred to the suggestions which I brought to his attention, does not appear to me calculated to convey an accurate impression of their nature and effect; and in order to do justice to them, it will be necessary to advert to the present course of proceeding to which those suggestions apply. Your Lordships have heard that application for commissions of lunacy are made to the Lord Chancellor, supported by affidavits affirming the lunacy; and if the affidavits present reasonable grounds for the proceeding, the commission issues as of course, unless a caveat shall have been entered, that is, unless notice shall have been given that the issuing of the commission is opposed. In the latter case, affidavits are usually produced in explanation or contradiction of those made in support of the application; and the matter is discussed before the

Lord Chancellor, generally at considerable length, with several counsel on each side, and of course at a great expense. The discussion generally terminates by the Lord Chancellor directing the alleged lunatic to be visited by one or more physicians, approved by him, and whose report greatly influences the decision whether a commission shall issue. The next step, after the commission has issued, is the summoning a jury before the Master in Lunacy, when the fact of lunacy is investigated upon *vivâ voce* examination of witnesses. In uncontested cases this inquiry rarely occupies more than one meeting. The lunacy is, I may say, universally found by the jury; after which, the ordinary proceedings follow, of appointing committees and arranging the future management of the lunatic and his estate. The cost of the proceeding up to the taking this inquisition in such uncontested cases is about 200*l.* Upon taking the inquisition in contested cases, the witnesses, in support of the alleged lunacy and against it, are examined *vivâ voce* before the Master and jury; generally, two counsel appear on each side, and sometimes more; the inquiry lasts two or three days, and very frequently much longer, and the expense attending the inquiry is very considerable, amounting often to several hundreds of pounds. This, your Lordships will observe, is the second lengthened inquiry as to the fact of lunacy. The verdict in contested as in uncontested lunacies is almost invariably in support of the lunacy. But, notwithstanding these two decisions, it is competent to the advisers of the lunatic still further to contest the lunacy by what is called a traverse, that is, by denying the correctness of the previous verdict; and, in such case, a third inquiry takes place upon a trial at *nisi prius* before a Common Law Judge and jury. Such trials seldom fail to occupy a considerable time, numerous witnesses are examined, and a very great expense incurred. Upon this occasion, as upon the inquisition, the alleged lunatic may be examined by the Court and jury. A personal examination generally does take place before the Master, and sometimes, but rarely, at *nisi prius*.

In considering the expediency of continuing this course of proceeding—that is, first a contest before the commission issues, upon conflicting affidavits, whether a *primâ facie* case of lunacy is established; secondly, after the commission has issued, the taking the inquisition before the jury and Master; and, thirdly, the trial of the traverse—it is a material fact that during the last forty years there is not a single instance of the verdict upon the trial of the traverse jury being contrary to the verdict upon the inquisition.

To apply these facts to the suggestions adverted to, your Lordships should know that the average number of commissions annually issued is forty; the proportion contested is, upon the average, five. One of my suggestions has been, that in the thirty-five uncontested cases, the inquisition should be dispensed with, and the expense thereby saved, the amount of which, upon small estates, bears very heavily. In such cases the proceeding is *ex parte*, the evidence is always all on one side, and the result invariably in affirmance of the lunacy. Against this suggestion my noble and learned Friend, and some other noble Lords, exclaim that it will not be a safe or wise proceeding to allow a person to be restrained and dispossessed of his property without the alleged lunacy being decided by a jury. This objection does not seem very consistent with my noble and learned Friend's previous statement, that in nineteen cases out of twenty it is questionable whether there should be a jury at all, and that he should propose, that after notice that the commission was to be executed, there should be no jury summoned unless some one required it. This proposition comprises the full extent of danger which the objection to my suggestion presumes to exist. But in such, in truth, uncontested cases, the commission is prosecuted by the friends of the alleged lunatic, no one objecting; and I do not perceive upon whom the notice would be served, and by whom the requisition for the jury should be made; and, as the matter at present proceeds, the alleged lunatic derives no protection whatever from the proceeding, the only evidence heard being that which may be produced by those prosecuting the commission; and, practically, no publicity attends such inquiries. Further, the objection is made in forgetfulness of the actual state of the law, because, as the law now is, individuals may be dispossessed of their property, and their persons restrained, without the verdict of a jury. I allude to the statute of 8 & 9 *Vict.*, c. 100, s. 95. By that Act, alleged lunatics may be confined upon certain certificates, and after twelve months' detention the Lord Chancellor may, upon the report of the Master in Lunacy of the fact of the lunacy, appoint committees of such person. That statute has been extensively acted upon, and the only complaint that I have ever heard respecting it, has been that it does not go far enough, inasmuch as the power of the Lord Chancellor extends only over the application of the income of the lunatic's estate.

I, therefore, feel persuaded that the suggestion of the expediency of dispensing with the inquisition in the case of uncontested lunacies, is well deserving of consideration.

In cases of contested lunacies, I think the suggestion is entitled to still greater weight, as, in such cases, the inquisition is as useless, and more mischievous than in others. It occasions great expense, and concludes nothing. The sugguestion is, that if a *primâ facie* case is made for the commission to issue, and the alleged lunatic is advised still further to contest the lunacy, that it should be competent for him so to do without the intermediate inquisition upon an issue to be directed by the Court, such issue to be tried in the same form as the traverse is now tried. I have not heard, either to-night or at any other time, any remark tending in the least degree to prove that the slightest benefit in such cases results from the inquisition. I could not very distinctly collect my noble and learned Friend's meaning; but, as far as I understood his position, it was, that instead of the alleged lunatic having the opportunity of contesting the fact of lunacy upon a trial in open court at *nisi prius*, the conclusive inquiry upon the fact should take place before the Master in Lunacy, whether with or without a jury. Now it appears to me that my noble and learned Friend adopts the suggestion of having but one inquiry, but he prefers that which seems to me to be the less satisfactory mode of inquiry. The verdict of a jury upon a trial in the ordinary open court of justice of the country, before one of the superior Judges, and a jury impanelled in the ordinary way, will ever be received with more respect and satisfaction than an inquiry before the Master as suggested. But the substance of my suggestion is, that there should not be two inquiries. Take either the one or the other, whichever may be thought best; but the two inquiries tend to unnecessary expense; and I repeat that the fact that during forty years the verdict has been the same way upon both inquiries, is by no means unimportant. The injury to the estate by the delay, by the trial of the traverse, is not limited to the mere expense. But the uncertainty whether in the result the lunacy will be established, always occasions loss and inconvenience in the collection and management of the estate.

The objection that it would be improper to restrain the liberty, or interfere with the property, of an alleged lunatic, without affording him the protection of a verdict, does not seem sanctioned by the Legislature, as the statute of 8 & 9 *Vict.*, cap. 100, allows such restraint and interference without any such protection. In truth, the inquisition seems to have originated from considerations which no longer dictate the same caution, or require attention. By very old law, the Crown was entitled to the benefit of the incomes of all idiots, the idiot being maintained, and it was the duty of the escheators, upon behalf of the Crown, to inquire after and take possession of what the Crown was entitled to; but as the title of the Crown always depended upon matter of record, the escheators held inquisition in order to ascertain by a verdict the fact of the idiocy, and the nature and description of the property of which the idiot was possessed, and of which it had become the duty of the escheator or sheriff, on behalf of the Crown, to take possession. By this proceeding the title of the Crown was manifested by the record founded upon the verdict of a jury, and a seizure upon behalf of the Crown, upon an unfounded pretence of lunacy, was prevented.

In the case of lunacy, the Crown was also authorised to take possession of the property of a lunatic, but without having any beneficial interest in it, the Crown being only trustee, and liable to account; but for the same reason that no title could be asserted upon behalf of the Crown, except upon matter of record, the inquisition was held.

In the present state of society, the proceedings in relation to idiots and lunatics never emanate from the Crown, but invariably from the family or friends, and the reason for the inquisition no longer exists. If any case should arise in which proceedings should be taken by the Crown, the existing course of proceeding may remain.

I would further observe, that the same reasons do not continue to exist which formerly might be urged for the double inquiry before a jury. According to the theory of the law, the first opportunity which the alleged lunatic has the power by right of contesting the fact of lunacy, is upon the trial of the traverse. The inquisition is, in contemplation of law, an *ex-parte* proceeding, upon which the party has no right to be heard. In practice, however, the party is allowed to appear and contest the fact of lunacy, if he thinks fit, but he is not bound to do so. I do not, therefore, suggest that the lunatic shall be deprived of that mode of contesting the lunacy, to which he is now by law entitled; but only to dispense with the intermediate proceeding, which is binding and conclusive upon nobody. Another, and what appears to be one of the most important points in lunacy requiring consideration, is, the comparatively great expense which the proceedings cast upon the poorer estates of lunatics.

I cannot here omit to remark upon the great benefit conferred upon the public by my noble and learned Friend in the Act which he procured to be passed in the year 1842, and by the consequent orders. The effect of that statute has been most beneficial in diminishing expense, and also by facilitating proceedings.

By recent alterations all the officers in the lunacy jurisdiction are paid by salary, and all fees are paid into the suitors' fund, which fund bears the expense of administering the jurisdiction. That expense amounts to 7,000*l.* a year, and the fees barely equal that amount. There are 497 lunatics' estates under the jurisdiction of the Great Seal. The aggregate income of those estates is 317,493*l.* Of those—

	A year.		A year.
100 are under £	100	27 are under £	1,500
112	200	7	2,000
57	300	14	3,000
46	400	9	4,000
30	500	4	5,000
31	600	3	6,000
13	700	2	7,000
16	800	3 upwards of	7,000
23	1,000		

The mode which has been suggested for relieving the small estates, will be by abolishing all fees of the nature of those now paid; and the expenses of administering the jurisdiction should be raised by a percentage, varying according to the amount of the income, making the estates bear an expense more in proportion to the benefit derived from the protection of the Court, than at present takes place, the fees paid by large and small estates being now the same. I am aware that there are objections against this plan; but if the object of relieving the small estates be as desirable to be obtained as I estimate it to be, I doubt if any more just and practicable plan can be suggested.

As it appeared to me that my noble and learned Friend had not placed the suggestions made to him upon which he remarked, in the light in which they ought to be viewed, I have troubled your Lordships with this explanation; and I have only to repeat that I think the whole subject of the administration of lunacy is of great interest and importance, but I much fear that some of the evils which attend it are unavoidable. So far as concerns the practical administration, nothing can be more satisfactory than that which depends upon the Masters in Lunacy, with regard to whom I may affirm that the opinion of the Judges and practitioners is uniform, that these duties are discharged with the utmost intelligence, discrimination, and diligence. I have no doubt the subject will receive the efficient consideration of my noble and learned Friend upon the woolsack, and of my noble and learned Friend who has again brought the subject under the notice of your Lordships; and I should be much gratified should it be in my power to afford any assistance in the endeavours of my noble and learned Friends to improve the administration of justice in this department.

On Question, *agreed to;* Returns ordered.

MR. ROBERT OWEN.

LORD BROUGHAM presented a Petition from Robert Owen, Esq., to which he begged the attention of their Lordships. This gentleman had often before petitioned the House, and last Session he (Lord Brougham) had presented his statement, and it had received the attention of the noble Marquess (the Marquess of Lansdowne), then representing the Government in that House, although he had not consented to the proposition of appointing a Committee to examine Mr. Owen's plans. Whatever differences of opinion might prevail as to Mr. Owen's peculiar views on some most important subjects, and although neither their Lordships nor himself might agree with him, all must consider with respect a man who has devoted a long life and an ample fortune to promoting the views which he conscientiously holds touching the best means of improving the condition of his fellow-creatures. He is convinced that he is possessed of information, and that he has drawn from his long experience and extensive observation, conclusions of essential importance to the well-being of society; and he is desirous of communicating these before he departs from this scene—having now reached the age of above fourscore. He prays that your Lordships may examine him before a Committee, or otherwise aid him in promulgating and recommending his plans. Personal interest in this matter he can have none—save the satisfaction of reflecting that he has contributed to the good of mankind, and especially to inculcating the principles and the feelings of universal benevolence, of true charity, and of peace and good will to all. He (Lord Brougham) had said, that on some important questions there no doubt prevailed great difference of opinion with Mr. Owen; but no man being more tolerant towards others than he was, and none being more patient of contradiction, might fairly expect the like measure of forbearance towards his own peculiar views. There was one subject, however, on which no man could differ with Mr. Owen—he meant education. In that most important matter, he was a great and an undisputed benefactor of his country. He was the founder of infant schools, at least as far as the United Kingdom was concerned. Into the question whether or not—unknown to him it was, if at all—he had been anticipated by the venerable pastor Oberlin, in Ban de la Roche, in Alsace—he (Lord Brougham) would not enter. That Mr. Owen, near half a century ago, had first founded these institutions, of inestimable value, in Scotland, from whence they were transplanted into England and Ireland, was past all doubt, and a greater service never had been rendered to society. He moved that the petition be read.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 30, 1852.

Minutes.] Public Bills.—1° Law of Wills Amendment; Protection of Inventions Act, 1851 (Extension of Term),
2° Law of Evidence (Scotland).

NATIONAL DEFENCE—COMMERCIAL STEAM NAVY.

Mr. ANDERSON:* Sir, I rise to call the attention of the House to the Report of a Select Committee, which was appointed on my Motion, in the Session of 1849—

> "To inquire into the practicability of providing, by means of the commercial steam marine of the country, a reserve steam Navy, promptly available for the national defence, when required."

And I propose to conclude by moving the following Resolution, namely—

> "That it is the opinion of this House, that in order the better to provide for the public safety, to economise the public resources, and to preserve peace, it is desirable that measures should be adopted, with a view to render the commercial steam navy promptly available for the national defence, in case of emergency."

Sir, in bringing forward this Motion, I feel it to be necessary to state to the House some practical facts in support and explanation of it. And, although I feel that I have but slight claims on the notice of hon. Members, from any ability which I possess for addressing them, yet I trust they will favour me with their indulgent attention to these facts, because, Sir, I think they will show that the object to which they relate is scarcely second, in public and national importance, to any question which can be submitted to the consideration of this House. Sir, the recent violent and extraordinary political changes which have occurred on the Continent of Europe, but more particularly in France, have led to considerable apprehension and solicitude in the public mind as to our means of defence, in the possible event of a hostile aggression or invasion of this country, by our neighbours on the other side of the Channel. Hence, we have a Militia Bill introduced into this House, proposals for establishing associations called Rifle Clubs, and other measures for resistance, should the French land upon our shores. Now, Sir, without wishing to raise a question, on this occasion, as to the expediency or otherwise of these measures, I consider that, in adopting them in the first instance—while, as I propose to show, we have overlooked means which are in our power to prevent any hostile force from landing—we have begun, as it were, at the wrong end. I submit, Sir, that we ought to direct our attention, first and foremost, to meeting our enemy on that element on which we have always been accustomed to conquer, and by those means which have ever been considered our best bulwarks of national defence—our Navy and our maritime resources.

An opinion has been broached, and pretty widely circulated, that the introtion of steam navigation has divested us of the advantages which we previously derived from our insular position—that we are now more exposed to invasion. But, Sir, I consider that nothing can be more fallacious than such an opinion, I maintain that we are more invulnerable, if we only choose to make use of the means at our command, to any army landing upon our shores, than we ever were at any period of our history.

Why, Sir, assuming, as I have a right to do, that after the enormous expenditure which has been made upon our regular Navy, it is at least equal, and ought to be superior, to the French navy. Look at the contrast which the commercial steam navies of the two countries present. For every private or commercial steam vessel possessed by France, we have twenty. The United Kingdom has now about 1,300 steam vessels, of all classes, in her commercial steam navy, amounting to about 300,000 tons, and 100,000 horse power of machinery. There is scarcely one of these vessels but what can carry an armament fit to render it efficient for coast defence. In support of this assertion, I beg to quote the evidence given before the Select Committee to which I have alluded, by no less an authority than Captain Chads, of the Royal Navy, commanding the *Excellent*, gunnery ship, that ship forming, indeed, the school of naval gunnery for the Royal Navy. He states thus:—

> "Is it your opinion that some of the smaller vessels might be made capable of carrying a long 24 or a long 18-pounder amidships, that is, what is technically called a 'Long Tom,' and might, in some events, be made useful?—I would have no armament under a 32-pounder, and I believe there is no steamer that we have that cannot carry a 32-pounder of one description or the other.
>
> "The smallest that we have?—The very smallest steamer. I do not think that there is a steamer upon the river, of any kind, that will not carry a 32-pounder."

In the suggestions, however, which I am about to submit to the House, I do not propose to extend the arrangements therein contained to anything like the whole of our commercial steamers; a small proportion of them, I consider, will suffice for the object in view.

Steamers of from 400 up to 800 or 1,000 tons, have been stated, on competent evidence, which I will presently quote, to be able to carry the heavy traversing or pivot guns used in Her Majesty's steamers. Now, if the Government were to make arrangements with the owners of 100, 150, or 200 of these vessels, in the manner I am about to point out, and to the effect that they should have the fittings requisite to enable them to receive a heavy armament, immediately they were required to do so; also that they should be replaced at the disposal of the Government whenever required—the owners, in such case, to be indemnified for their being so taken and used, by the award of competent arbitrators to be mutually appointed by the Government and the owners of the ship—a means of coast defence, so far as ships are concerned, would be provided, sufficient to meet any possible attempt at invasion of our shores. In short, I wish to apply the same arrangement to the steam vessels employed in our coasting and short over-sea trade, as the Government already have with the private steam vessels employed in the Ocean Contract Packet service; and I may here also state that the steam vessels which I now have in view are exclusive of the Contract Packets. These vessels will be, and, in many instances which I could mention, have been, most valuable auxiliaries in hostile operations; but a great number of them being on distant foreign stations, and engaged in a service which a state of hostilities would render more important than ever, they could not, at least the greater number of them could not, be made available for coast defence.

Now, Sir, the mode in which I think the arrangements in question might be most readily effected, would be something like this: I would suggest that the Admiralty should issue notices to the Steam Companies, that they (the Admiralty) were prepared to receive tenders from such owners of steam vessels as might be willing, for a consideration, to fit their vessels for receiving guns, and to place them at the disposal of the Government, if they should at any time be required for the national defence. On receiving such tenders as might be considered eligible, the fittings would be placed in the vessels under the direction of a competent person. And here I may observe, that since 1849, when my Committee sat, the progress of mechanical science has been such, in fitting these heavy guns, that the ordinary class of merchant steamers, which it was then estimated would cost from 500*l.* to 600*l.* in additional strengthenings to enable them to carry these guns, require now no strengthening, except a post to receive the socket for the pivot of the carriage, and two very small beams, technically called carlings, which, together with the eye-bolts and traversing sweeps on the deck, will cost only from 50*l.* to 150*l.*, or for the very largest class of ship and gun, 200*l.* I can, indeed, find a private tradesman, who will undertake to fit any number of vessels on these terms; and considering the trifling amount of it, I consider it would simplify the arrangement, if the Government were to fit the vessels at the public expense, instead of paying the owners an annual premium for the outlay, especially when it is considered that from 10,000*l.* to 20,000*l.* would probably fit up from 100 to 200 steamers. Now, the vessels being thus prepared, I propose that armaments should be selected for them from the Ordnance Stores, from whence, I assume, there would be no difficulty in providing them; that they should be marked with the name of the auxiliary steam vessels to which they correspond, and be placed either at the ports to and from which the vessels usually ply, or under any other arrangement which would best facilitate the prompt arming of the vessels. Well, Sir, we have here the materiel in ships and armaments of an Auxiliary Steam Navy. The next question which naturally arises is, how is this auxiliary fleet to be manned? I answer to this, that you will get the most important part of their manning—the skilled portion of their crews, required for the navigation of the vessels—with the vessels. Their mercantile officers, engineers, and crews, there is evidence to show, would volunteer to serve in the vessels; and thus, if you were to select, say two hundred vessels, you would have with them from eight to ten thousand men, engineers, and officers, all skilled in their navigation. The remainder of their crews, which might be required to make up a war complement, might, I think, be supplied, first, from the Coast Guard, in which there are about six thousand men. These men would not be required on shore, in case of the contemplated emergency, as the steamers themselves would form a coast guard against smuggling. A corps of sea fencibles might be formed out of the fishermen or maritime population of our coasts. But, Sir, even failing these two sources, where would be the difficulty in finding a sufficient number of men to man this auxiliary fleet out of the 230,000 seamen which our merchant service now employs? With the offer of a bounty and good wages, no difficulty would be experienced, especially for a temporary service, as this would necessarily be. I have omitted to advert to another class of the skilled portion of the crews, namely, the gunners. Two trained gunners would be required for each of the heavy guns to be carried by these vessels. These, I believe, could be readily furnished from that very useful corps, the Marine Artillery, and also from the school of Naval Gunnery in the *Excellent*, at Portsmouth. For what I may call the fighting part of the officers, our half-pay Navy list, I think, furnishes ample room for selection. Such, Sir, is an outline of the plan which I would suggest for forming out of our commercial steam marine a reserve force for the national defence, in case of emergency. I will now ask the attention of the House to one or two short extracts from the evidence taken before this Committee of 1849, on two points, which I consider to be of much importance, namely, the capability of merchant steamers for carrying and using heavy armaments; and the willingness of the mercantile officers and crews to serve in them, in the event of their being required for the national defence. Before reading these extracts, I feel it to be necessary, however, at this stage of my statement, to detain the House, for a moment or two, on a matter which, although personal to myself, I consider of some public importance.

When, Sir, I moved for the appointment of the Committee referred to, it was rather industriously insinuated and circulated, that I had some private interest of my own to serve in doing so; and that impression remains on the minds of many, whose attention has been drawn to the subject, I believe, to this day. Now, I consider the statement of one fact will suffice to remove such an impression. That fact, Sir, is, that I have no direct or indirect personal interest in any steam vessel, or steam navigation company, except the extensive enterprise with which I am publicly known to be connected—the Peninsular and Oriental Company. The vessels of that Company are already, by the terms of the Company's Charter of Incorporation and Contracts for the Mail Service, under similar engagements, as to their liability to be appropriated for the public service in case of need, to those which I now propose to be extended to the coasting steamers. After this statement, even were the arrangements I suggest calculated to involve any very lucrative benefit to steam-shipowners, —which they certainly do not—I trust I shall stand acquitted of any sordid motive in bringing forward this subject; and I assure the House that I should not have thought it worth while to trouble it for a moment with this digression, had it not been that I was unwilling that the due consideration of so important a public object should be exposed to any prejudice, by the supposition that it had been put forward for the purpose of subserving some private interest of its advocate.

I now, Sir, beg to read the extracts from the evidence taken by the Committee. That of Captain Chads, which I have already quoted, established, I think, the fact that there are scarcely any of our commercial steam vessels that are not capable of carrying pivot or traversing guns. There is the evidence of another very competent person, with regard to a larger class of steam vessels, namely, Mr. Engledue, formerly gunnery-lieutenant of the *Excellent*, and to which post he was promoted, for his efficiency in naval gunnery, by the right hon. Baronet the Member for Ripon, when First Lord of the Admiralty. Mr. Engledue has also the advantage of an extensive practical acquaintance with the capabilities of mercantile steam vessels, having commanded several of them, of different classes, and being now naval superintendent at Southampton of the Oriental Company's fleet. He states that he considers nearly the whole of our sea-going steamers capable of armament, and that, according to their sizes and scantlings, guns of a certain size, weight, and bore, may be placed in them; and subsequently, that second-class sized steam vessels, namely, from 500 to 800 tons, are capable of carrying 68-pounder guns in addition to the 32-pounders; and that with very few additional fittings, Coasting steamers, 200 to 400 tons, can carry heavy 32-pounders pivot guns.

Another witness, Mr. Andrew Lamb, superintendent engineer of the same Company, and who has, during nearly his whole life, been practically and extensively acquainted with the habits and feelings of the engineers and others employed in merchant steamers, says that there would be no difficulty whatever in the engineers entering Her Majesty's service, in the event of their steamers being converted into vessels of war; they would require nothing but an understanding that in the event of their receiving any bodily injury they shall receive the same consideration as is granted to the service generally. And subsequently, Mr. Lamb addressed a letter to the Chairman, stating that he had had a meeting with all the engineers in a certain port, and they had unanimously expressed their willingness to act under Government orders in the case of emergency.

I will not fatigue hon. Members by reading any further extracts, although I may observe, that the blue book which I now hold in my hand would repay a perusal by any hon. Member who may desire to be more thoroughly acquainted with this question, inasmuch as it contains, in its rather unpretending bulk, I venture to assert, as great a number of valuable practical facts as any book of its size which has been, like it, consigned to the shelves of the Library. I will now, Sir, come to the verdict pronounced by the Committee, after a full and careful investigation of the facts submitted to it. The Committee, I think it right to state, was obtained with the consent of Her Majesty's late Government. The Members of it were nominated consequently by themselves, or with their concurrence. And here are the names of the Members who served upon it:—

Mr. Arthur Anderson.
Capt. the Hon. M. F. Berkeley.
Lord John Hay.
Admiral Bowles.
Mr. T. A. Mitchell.
Right Hon. H. T. Corry.
Mr. Richard Cobden.
Captain Fordyce.
Hon. Francis Scott.
Right Hon. T. Milner Gibson.
Mr. George Duncan.
Mr. Matthew Forster.
Mr. R. J. Tennent.
The Earl of Shelburne.
Mr. W. A. Mackinnon.

My hon. Friend the Member for Lymington kindly consented to preside, as I considered I could better assist the inquiry by being out of the chair than in it. The House will observe that there were no less than four ex-and-present Lords of the Admiralty on this Committee; that it contained four naval officers, three of them of high rank—a circumstance, I will remark, which subjected my suggestions, in regard to the fitness of mercantile steam vessels for purposes or war, to the advantage of a severe scrutiny. For any one who will look into the evidence will see that the *esprit de corps*, which I know (having myself been in the service) to be somewhat prevalent in the Royal Navy, was rather reluctant to admit that a vessel constructed for commercial purposes, could ever approach in capability for warlike purposes a vessel constructed for Her Majesty's service, and intended to have a pennant flying at her masthead. The evidence, however, which that feeling necessitated, will, I think, be found to negative satisfactorily the assumed unfitness, by crankness, weakness, bad sailing qualities, and otherwise, of merchant vessels for the object of the inquiry.

And this, Sir, is the Report of the Committee, drafted by the gallant Admiral the Member for Gloucester, and lately First Naval Lord of the Admiralty (whom I do not now see in his place), and unanimously adopted:—

> "Your Committee are of opinion, which is corroborated by the evidence taken before them—
>
> "'That mercantile steam ships, of the size and strength necessary for the reception of such guns as are in use in the Royal Navy, would be a most useful auxiliary force for national defence; and your Committee do not foresee any difficulty in carrying out such a measure.
>
> "That the prompt development of the whole available maritime resources of the country, in the event of threatened hostilities, is most desirable, as a means for the preservation of peace.
>
> "That the steps necessary to render such mercantile steamers available for the purpose, and the remuneration to be given by the public for fitting them and holding them liable to be called into the public service, must be matter of arrangement between the owners and the Government, upon which your Committee do not deem it necessary to offer an opinion."

I have thought it necessary to advert to these particulars in order to show, as they do, that this important proposition does not rest on the opinion of so humble an individual as myself, but is supported by the unanimous recommendation of a Committee of this House, eminently well qualified to investigate it. That recommendation, in so far as the adoption of any practical step for carrying it out is concerned, has remained a dead letter for three years, notwithstanding that I have, on several occasions, both publicly and privately, drawn the attention of Her Majesty's late Government to it.

And now, Sir, that public attention has been so much excited as to our means of national defence, I consider I could render no more useful public service, within my humble ability, than to bring this question under the notice of the House. It will be seen, I hope, from what I have stated, that this proposal is not intended to supersede (as has also been insinuated against me) the Royal Navy. That best branch of our national defence, I trust, will always be kept in a state of efficiency and adequate force; although, with such an organised auxiliary force as I propose, much expense may, I think, be saved to the country by not extending it, especially in times of public alarm and panic. And here, Sir, I may briefly advert to a statement made by the gallant Admiral, the late First Naval Lord of the Admiralty, a few evenings since, in this House, namely, that he could, in twenty-four hours, have lined the Channel—and which he has since explained to mean, from the Channel Islands to the North Foreland—with steamers of the Royal Navy, within signal distance of each other: a statement which was commented upon by another naval officer with apparent incredulity. Now, I think, on the contrary, that it would have been very discreditable to the gallant Admiral, and his colleagues at the late Board, not to have been able to do something more than this. Why, Sir, thirty vessels would form a line within signal distance, for that extent. Even the private Company with which I am connected, could do that. But to effectually prevent invasion, we must do much more than that. We must have a line of steamers within hailing distance of each other, that could in a few hours be concentrated upon any part of the French coast where a large force might be required, and that could hermetically seal up every channel, port, and creek in France, against the entry or departure of even a fishing boat. And this, such an auxiliary reserve Steam Navy as I propose, would undoubtedly enable us to do.

And now, Sir, I will advert shortly to some other advantages which I consider this proposal to possess.

First, for its preliminary organisation it will entail no expense on the country, inasmuch as the comparatively trifling cost of it may well be balanced by curtailments from other branches of naval expenditure which its adoption would render necessary. Secondly, it would in no manner interfere with the trading occupations of the vessels, which would continue in their usual employment. Thirdly, they would form a force which would never be used, except for national defence; and in the event of their ever being required for the national defence, little or no permanent burden, such as would be caused by the increase of a regular navy, would be entailed upon the country, inasmuch as the vessels and their crews, when no longer wanted, would return to their ordinary trading occupations. Fourthly, it would give us a description of maritime defence, which already far exceeds that of all Europe combined, which is increasing in a ratio far beyond any similar progress in other countries; and the very knowledge, by other Powers, of our possessing such an enormous and increasing means of national maritime defence, would deter such Powers from the contemplation of any hostile aggression on our shores; and it would consequently prove the most effectual, as well as cheapest, instrument for the permanent maintenance of peace.

This, Sir, is the mode of national defence which ought, in my opinion, to be adopted by the Government of this country, and I find I cannot express my sentiments more clearly or forcibly on the subject, than by quoting a passage which I have only this morning seen in one of the public prints. The writer says—

> "It cannot be too often or too emphatically repeated, invasion must be made impossible. If ever a foreign army sets foot on our shores, a wound will have been inflicted on security, on credit, on the common weal and the commonwealth, which no pecuniary saving, past or future, can heal or can atone for. If ever a foreign army sets foot on our shores, either our naval service must have been awfully and most criminally remiss in the performance of that duty which 'England expects' from it, or our Ministers must have been guilty or incapable beyond the reach of pardon."—*Economist*, 27th March.

In this, Sir, I fully concur; and having, I trust, shown how invasion may be rendered impossible, I leave the question with the House and the Government. I beg to thank the House for the attention with which it has listened to me, and to move the Resolution in your hands.

MR. MACKINNON: Sir, having been Chairman of the Committee moved for on this subject in the Session of 1849, I feel myself called on to say a few words on the subject. The Committee, which agreed unanimously to the Report quoted by the hon. Gentleman who has brought this Motion before the House, was of a most impartial character: it consisted of the Members of the late Admiralty, of the leading Members of the Admiralty that preceded them, also of the Member for the West Riding, and of some Gentlemen connected with the shipping interest: this Committee agreed that it would be desirable in case of war to use our mercantile steam vessels. For this purpose it appeared, before the Committee, that the number of vessels of sufficient tonnage to be made war steamers, amounted in Great Britain to 320; that these steam ships could be made effective for carrying guns, if strengthened by (I will not use technical terms) beams from the deck to the keel, by which the decks could bear an additional weight; that this mode of strength could be made effectual in about three weeks. It appeared, also, that the immense mass of guns and ammunition in our several dockyards and arsenals being ready, these ships might be equipped and made ready for active service in a short time. The next question was, how were they to be manned? The evidence of the owners and officers was, that the crews by whom they were now navigated were willing to continue in them if allowed the same wages and enjoying the same advantages as the men in the Royal Navy. In reference to the working of the guns, eight or ten men to each gun, either from the dockyards or the preventive coast guard, would answer the purpose. By these means you would have 320 steam vessels of war in less than six weeks; to which, if you added the steam and other ships in the Royal Navy now in commission, or that might be put in commission, you would raise such a force as would render the chance of an invasion hopeless. Now the only difficulty that arose in the Committee was, in what manner were the owners of these vessels to be indemnified for the expense attendant on preparing their steam vessels to carry heavy guns, and be fitted out as ships of war? It was suggested in the Committee, that an exemption from the light-dues might be an equivalent to the owners for the additional expense to which they would be liable. The House was aware that the light-dues was a tax levied under an Act of Parliament on all vessels, by the Trinity House Board, to keep up the light-houses on the coast, and it was asserted by some that the receipts of the Board were greater by 100,000*l.* a year than the expenditure, and therefore that part of this surplus sum might be allowed by a remission of the dues to the owners of vessels fitted out as already mentioned. Before he sat down, he (Mr. Mackinnon) would observe that the apprehension of invasion from France appeared a sort of bugbear that had more or less at different periods of our history haunted the imagination of the English people. In the early part of this century, the Emperor of France had made formidable preparations to invade this country. Napoleon was then the master of the Continent of Europe; his army was deemed invincible; he had, as tributaries, Spain, Holland, and nearly all the maritime States, except Russia, on his side; his ambition was to invade England. Had he done so, had he ever made the attempt? He was too wise; he was aware of the danger, of the difficulty, of nearly the impossibility, of crossing the Channel in face of a superior opposing force; of landing artillery, ammunition, and cavalry, either in a fog or gale of wind. If this man in the height of his glory and fame could not succeed, was it likely that any other person could make the attempt? He (Mr. Mackinnon) was aware it might be answered, that steam power was now in use, which was not the case at the period before mentioned; but he would beg of the House to bear in mind, that if steam was of service in means of attack, it was equally so in means of defence; and with a fleet of steam vessels such as this country could bring out to line our coast, an attempt at a successful invasion was quite an absurdity. The crossing of the Channel in a gale of wind or a fog would be impracticable for an enemy; and if he made the attempt in fine or even moderate weather, in face of an opposing force, it was unnecessary to predict the result. For these reasons he would support the Motion.

MR. STAFFORD said, he must do the hon. Member for Orkney, who had brought forward this important subject, the justice to say, that whatever decision the House might come to with regard to this question—whether favourable or otherwise—his course had been not only plain and businesslike, but entirely removed from all party considerations. The hon. Member had turned his attention to the subject, not as a partisan, but as an Englishman; and he (Mr. Stafford) must say that he had never known a Committee which had paid greater attention to a subject or conducted an inquiry in a more fair and impartial manner than the Committee of which the hon. Member for Lymington (Mr. Mackinnon) was chairman. The hon. Gentleman (Mr. Anderson) considered that when the attention of the country was intently fixed on the question of our national defences, it was an opportune period for discussing this subject, and in that opinion he (Mr. Stafford) entirely concurred. If he understood the hon. Gentleman aright, his proposal was, that as we had already a reserve of seamen, we should carry the principle further, and have also a reserve of steam vessels. He was consistent in making that proposal, and no better opportunity could have been taken for bringing the question before them. As the Board of Admiralty had not yet found an opportunity of laying any lengthened statement before the House relative to the Navy, it was thought desirable that he should, on the present occasion, bring before them a few particulars, and to those he called the earnest attention of the House. He would first proceed to lay before the House the state of our naval force as compared with that of foreign Powers. His right hon. Friend the Secretary for the Home Department stated last night in his speech on the Militia Bill, the following to be the number of vessels of war on the home station and ready to serve—nine sail of the line, five frigates, one sloop, nine screw steamers, and eight paddle steamers. There were fifteen other vessels nearly completed. The whole of our naval defence on the home station stood thus:—

	Vessels.	Men.
Woolwich	9	530
Sheerness	7	1,544
Portsmouth	16	6,642
Devonport............	11	2,822
Cork	5	368
Total	48	11,906

To these add *Hecate* (cruising), 160 men; *Pluto*, 55; *Antelope*, 55; *Vulcan*, 152; making in all 52 vessels and 12,328 men, exclusive of 4,500 marines on shore, and coast-guard and dockyard battalions; being altogether 29,648 men. In addition he had to mention the *Simeon* and *Vulcan*, large screw steamers, each capable of moving a regiment; and several small steamers besides. The whole of Her Majesty's ships in commission were—

East Indies and China	19
Cape of Good Hope	9
Coast of Africa..........................	22

Subsequently to the dismissal of the noble Lord the Member for Tiverton (Viscount Palmerston), a notion had arisen amongst foreign Powers that England was inclined to abandon her efforts for the suppression of the Slave Trade. Whether it might be wise or unwise to keep up the African squadron he would not stop to inquire; but he must be allowed to say, that with regard to the number of vessels on the coast of Africa, so long as they were allowed to remain there, the Admiralty would feel it their duty to keep them in an efficient state. He would now proceed to state the number of foreign ships in commission, and wished to call the attention of the House to this curious document, which had been prepared with great care and attention. To begin with Russia. The number of Russian line-of-battle ships in commission were—in the Baltic, 27; Black Sea, 18; making together 45. Of frigates and corvettes there were—in the Baltic, 12; the Black Sea, 12; together 24. Of brigs, sloops, and schooners there were—in the Baltic, 15; the Black Sea, 19; together

34; making a total of 103. Then, with regard to steam vessels, Russia had in the Baltic 8, and in the Black Sea 6 frigates; of small steamers there were in the Baltic 5, and in the Black Sea 15; in all 34—the entire naval force of Russia being 137. He would next take French ships in commission. The French had—of line-of-battle ships, 7; frigates, 11; corvettes, 10; brigs, 11; small vessels, 12; transports, 22; in all 73. Of steam-vessels of 600-horse power and upwards they had 2; between 500 and 600, 1; between 400 and 500, 8; between 300 and 400, 1; between 200 and 300, 15; between 100 and 200, 31; under 100, 8; in all, 66. The naval forces of the three great maritime Powers of Europe were: line-of-battle ships—Great Britain, 72; France, 45; Russia, 45. Frigates—Great Britain, 83; France, 45; Russia, 10. The total sailing force was—Great Britain, 236; France, 257; Russia, 174. Coming to large steamers—Great Britain had 37; France, 61; Russia, 8. Of steamers under 200-horse power, Great Britain had 97; France, 57; Russia, 24. But it should be remembered that we had also the large Transatlantic steamers; and it was shown in a letter from Mr. Turnbull, our Consul at Marseilles, that one of these steamers, the *Montezuma*, carried, in 1848, from Oran to Port Vendres, from the 20th to the 24th of April, 1,818 men of the 6th Light Infantry and 56th Regiment of the Line, and 195 officers and crew of the ship—making 2,013 men altogether. The hon. Gentleman (Mr. Anderson) had compared our present position with that of 1807; but to compare the two periods appeared to him to be idle. There were many additional circumstances now to be considered on the supposition of an invasion. The truth was, that what formerly would have taken a month to do towards invasion, might now be done in a night. At the first outbreak, all depended on our naval supremacy in the narrow seas. Naval defence was requisite for our great arsenals. The Channel Islands were now without any vessel of war, and they could not overlook the state of the undefended towns on our coasts, Brighton, Yarmouth, Harwich, Hull, Newcastle, Leith, Aberdeen, and Dundee. Then they must consider the effect of railways. On the outbreak of a war France might send her sailors across that country from the south to the north; but our fleet was cut in two, divided by the Gut of Gibraltar, while, Malta and Alexandria having become the outposts of our Indian trade, our interests in the Mediterranean must be protected. He did not bring these things forward to cause alarm; but he felt that they had a close bearing on the subject before them; and he feared that the statement of the greatest general of the age, in 1847, though not forgotten by the people of England, had been too much lost sight of by the Members of that House. Writing in 1847, the Duke of Wellington said—

> "We have no defence, no hope of defence, excepting in our fleet. . . . But, as we stand now, and if it be true that the exertions of the fleet alone are not sufficient to provide for our defence, we are not safe for a week after the declaration of war."

Then he added—

> "I am bordering upon 77 years of age, passed in honour. I hope that the Almighty may protect me from being the witness of the tragedy which I cannot persuade my contemporaries to avert."

Now, certainly, since 1847 a good deal had been done; but the question was, had enough been done for security? The hon. Gentleman (Mr. Anderson) came forward backed by the unanimous report of a Committee, and by the opinions of many most eminent witnesses. Among others the hon. Gentleman had named Captain Chads, a naval officer, for whose character all must feel the highest respect. Captain Chads being asked—

> "In the event of a war, France would send out a number of armed steamers to intercept and annoy our trade. Would it not be very important to have our own mercantile steamers prepared to watch the ports and protect our trade?" answered, "I think they are highly necessary as auxiliaries. I do not think you ought to have less than 150 to 200 of your most powerful vessels, because you cannot expect that they would be all in port at a time; you will not have half available.

Captain Henderson, also in reply to the question—

> "In case of war, the first effort would be, I suppose, directed to the destruction of the enemy's steam vessels, as being their essential arm?" answered, "In the first of the war we ought to have a number of light fast steam vessels for the Channel to protect our trade, and to cripple the enemy's vessels; in the event of a war the enemy will always have numberless privateers; they would always have those vessels as fast as they possibly can, with a small quantity of fuel on board, be on our coast during the night picking up and destroying our merchant vessels, and in the morning they can be over on their coast; that is the way we shall suffer most in the case of another war, in my opinion."

Not only were these witnesses favourable to the proposition of the hon. Gentleman, but the principle was conceded by the Admiralty in almost all their contracts with steamers. He held in his hand a note of the contract steam packets fit for the purposes of war, and from that it appeared that they amounted to fifty-one vessels, with 18,791 horse power, and 52,343 tons. All those vessels were, or ought to be, unless the contract were in some way violated, fitted to carry arms for the purposes of war. The hon. Gentleman was not correct in saying, that nothing had been done on this subject since 1849. Perhaps not so much had been done as ought to have been done; but the present Admiralty Board, without waiting for the Motion of the hon. Member, had, as soon as they came into office, communicated with those persons who might enable them to carry such contracts into effect. Under these circumstances, the present Board of Admiralty acquiesced in the Motion of the hon. Member; but the Navy Estimates having been passed, there was, of course, no funds available for carrying into effect the proposed Resolution, and he must also observe that to naval men the main difficulty did not appear that of expense, though that of course must be a great consideration; but the question was, whether the naval and mercantile crews would work well together, and whether the latter would like to be placed under martial law—and it was here the chief difficulty lay. The question was one of detail and not of principle, and the present Admiralty Board would rejoice most heartily if every vessel now belonging to a company could be rendered subservient to the purposes of national defence. In consenting to the Motion, the Admiralty would endeavour to carry out the object of the hon. Gentleman in the most fair spirit; and he would read one extract more, which would encourage the House in proceeding in the course suggested. Mr. Laing being asked—

> "Have you had any means of knowing, by conversation or consulting them (merchant seamen and engineers), what are their views on that point?" answered, "The only proof that I could give is this, that last year, at the time there was a little disturbance, and no one knew what the result might be at the time, I received orders from the Board to have so many ships in readiness, as they might be required. It never entered into my mind to ask them a question about it. I told them the ships were wanted to go at a moment's notice, and we did not know where, and they never asked me any question about it."

He felt great pleasure in expressing the full concurrence of the present Admiralty in the proposition of the hon. Gentleman, and he hoped that not only would the defence of the country be thereby promoted, but that also another link of connexion might be created between the naval and mercantile marine.

Captain SCOBELL said, the facts stated to the House by the hon. Secretary to the Admiralty were very satisfactory, and went far to show that the country was in a perfect state of naval defence; but he thought the speech of the hon. Gentleman ought to have preceded the debate of the preceding night, and if it had, it would have dissipated a great many of the doubts and hesitations which had been expressed with regard to the mode of defending the country. Though a steam navy gave greater facilities of attack, it afforded an equal power of defence; and it was hard for a landsman, much less for a soldier, to understand the precision with which steam vessels were now managed. But the force on our coast ought to be so managed that they could be, at any given time, concentrated at any given point. As for invasion, it ought to be borne in mind, that the invaders, if they attempted to effect a landing in rough weather, would find it to be almost impossible; for the landing of soldiers, and ammunition, and artillery, in a troubled sea, was attended with the greatest difficulties; and in fine weather, our cruisers must be very negligent indeed if they did not prevent it. The hon. Gentleman said, there were nine vessels of the line on the home station; but he asked, was there any one of them, except the *Rodney*, ready to obey a message sent by electric telegraph? And yet, the arguments of the Government last night all went upon the supposition of an immediate available force to meet a sudden and immediate danger. None of the vessels of war, except two or three, were fit to go to sea before seven or eight days' preparation, and during that time the enemy might have landed. Many of the vessels to which the hon. Gentleman alluded were now in dock, and in course of being fitted up. It was not enough to count the names and number of vessels; they must be manned and ready. But it was upon the steamers they must chiefly rely. In a strong easterly wind they could not get a large vessel of war from Portsmouth to the Downs for several days; therefore, if the coast was to be defended it must be by steam vessels, perfectly manned and ready. As for that moveable squadron, of which the hon. and gallant Member for Gloucester (Admiral

Berkeley) had spoken, it was by no means clear that it was in a state of preparation. A great point for us to keep in our eye was, what number of vessels any nation was ready to go to sea with—whatever number they kept, we must always exceed that number. We must keep the supremacy of the sea—we must not lessen our squadron—we must not have fewer ships than foreign nations; and if there be any apprehension of an invasion, we must keep such a force upon our coasts as would be morally certain to overpower any enemy who would come down upon us. A matter lost sight of in these discussions was the time it would take 100,000 men to embark; it could not be done in less than two or three days. It was very easy to transport troops if our enemy had the superiority at sea; it was very easy to effect such a transport where there was no opposition. When the French sent their troops to Rome there was nothing to impede them; they sailed like a batch of pleasure yachts; they went there under sham colours—they went there as friends, but it would be a very different matter if there was an enemy on the water: that would alter the whole case. Look at our own Walcheren expedition, and the difficulties it met with. As to the Motion before the House, he was rejoiced to find the Admiralty had acceded to it. They would then have to trust not only to our men of war and to our war steamers, but also to an innumerable fleet of mercantile steamers, which would back up our Navy, and protect the country. The French naval force had been much spoken of, their line-of-battle ships, and their large war steamers; but they had not a harbour, except Cherbourg, into which a large steamer could enter—not one. It was a very different thing when Napoleon threatened an invasion with his flat-bottomed boats, when there were no steamers to contend against him. In fair weather they might have slipped through a squadron of men-of-war, but our numerous ports gave us a great advantage. Look at our shores, indented with such harbours as Dungeness, Portland Road, Torbay, Plymouth, and Falmouth. He gave his hearty assent to the Motion.

Admiral STEWART said, that on this his first attempt to address the House, he would not long trespass on their patience; but he wished to make a few remarks upon the question now under discussion. He hoped that no such idea would be for a moment entertained as that there was any feeling of jealousy on the part of the Navy with respect to the mercantile marine. Nothing could be more silly or puerile than for any naval officer to entertain such a feeling towards that navy to which the glory, strength, and commerce of Great Britain owed its existence. He agreed in all that had been said as to the expediency of employing the mercantile marine as a means of defence in case of emergency; but he did not shut his eyes to the difficulty pointed out by the hon. Secretary to the Admiralty, that in a mixed crew, partly composed of new men, great difficulties might be experienced, and that they could not take the precaution of testing or experimentalising upon how such a force would work until the emergency came; but he also hoped and believed that if ever such an emergency arrived, so good a spirit would pervade every part of the force that all minor differences would be sunk, and that all would pull together for the sake of their homes and their altars. He cordially agreed in the feeling expressed by the hon. Secretary to the Admiralty, and sincerely hoped, with him, that no endeavour would be wanting on the part of that House and the country to encourage and promote that cordiality of feeling between Her Majesty's Navy and the mercantile marine. The hon. Gentleman who had spoken on that subject, and especially the hon. and gallant Officer who had last addressed the House, seemed to forget that vast advantages were now to be derived from the application of the screw to vessels of war; and although some time might elapse before such improvements were fairly worked out, yet he hoped they would all live to see the day when no line-of-battle ship would be sent to sea without a screw to her keel, or a steam-tender in attendance. The great advantage of the screw was, that the vessel had within herself the power of steam. If a ship of war took a tender with her, there might be difficulties in taking her in tow, or they might be separated by stress of weather; but if she had the steam power within herself, she would be armed and competent to act in all emergencies. The screw need not be applied until the emergency arose; only a small part of the stowage might be given up, and abundant opportunities would be afforded for a plentiful supply of water. He would not say the late Board of Admiralty had solved the two great problems of naval administration—first, how to keep the active list efficient, and the other with respect to the manning of the Navy, but he would say that the late Board of Admiralty had made a step towards the removal of the difficulty. It was easy to say that the active list should consist only of effective men; but when they looked at the large number of officers who had worn out the best of their days in the service of their country, he thought it would be hard to say to them, "You are no longer efficient, you must leave the service; you are too old, go about your business." He (Admiral Stewart) at least would not like to be the man to give this intimation. It was very difficult to fix the age at which an officer ought to retire. Lord Duncan fought one of the best battles in our naval history when he was 70 years of age. The late Board of Admiralty instituted a rule that not more than seventy-five young gentlemen should enter the service each year, and that a certain number of elderly officers should go upon the retired list: this was a step in the right direction. As to the other problem—the manning of the Navy, this difficulty had been seen by the right hon. Gentleman the Member for Ripon (Sir J. Graham), when he brought forward his Registry of Seamen Bill. But it must be recollected that the raw materials alone could be supplied to the Navy from the mercantile marine, and the qualifications of a seaman for the Navy were not now the same that they used to be. Gunnery afloat at the present day differed as much from what it was at the time of the war, as a blunderbuss differed from a rifle. It was said that merchant seamen were not willing to enter the service of Her Majesty, because there were tyrants among the naval officers. He (Admiral Stewart) would not acknowledge the truth of that doctrine. He denied the existence of tyrannical officers in Her Majesty's Navy at the present time. That class of men was now extinct, and everything was now done in a proper and just manner, every man being held responsible for his acts. There was no naval service in the world in which the men were better fed or so well treated as in Her Majesty's Navy, and he had no fear but that the Navy would do its duty in the day of need. But, as the means of transport were now so much increased, he did not think that the defence of the country ought to be left to the Navy alone, but that we should be prepared to meet an enemy on shore; so that, as the old song said—

"If their flat-bottoms in safety get o'er,
Why let there be Britons to meet them on shore."

CAPTAIN HARRIS said, it must be apparent to the House that in the many discussions that had taken place with reference to this subject, the speeches of the Members belonging to the Financial Reformers all partook of one type, containing an essential contradiction in itself—a wild theory and a perversion of facts in every possible way for their own argument. It was of the utmost importance, therefore, that the people of this country should be in possession of the real strength and condition of our naval armaments and of those of Continental Powers. He recollected that in 1845 the late Sir Robert Peel, when the Government were called upon to state to the House the resources of the country for defensive purposes, said it was the duty of the Ministry to withhold that information, and that it was wrong to supply foreign countries with it; but the fallacy of that argument was exposed by the noble Lord the Member for Tiverton, who showed that Russia and every other nation were as completely aware of our resources, both by sea and land, as we ourselves, and at all times there came foreign officers visiting our dockyards, and acquiring that information. He felt grateful, therefore, to the hon. Secretary of the Admiralty for his statement. He was glad to find that his opinion as to manning the Navy was now entertained by others; and he hoped the House would think that the Board of Admiralty, in the particular vote for the reserve force, ought to be allowed some margin, so as to enable them to adopt a more general and efficient plan.

MR. HUME wished to make one or two observations on the statement of the hon. Secretary of the Admiralty, which he thought ought to have been made when the naval estimates were introduced. He (Mr. Hume) called upon the country carefully to read the hon. Member's speech, for it would, he thought, be found to contradict the alarms which had been circulated on this subject. It showed that our coasts were not denuded of ships, though the men-of-war belonging to this country had not been summoned from foreign stations. There was one point to which he hoped the Government would pay attention; it was the manner in which our ships of war had been employed in different parts of the world. He (Mr. Hume) quite agreed with the hon. and gallant Member for Brighton (Sir G. Pechell), that the conveyance of specie in British men-of-war was a disgrace to the country, and ought to be done away with; and he hoped the present Board of Admiralty would take care to put an end to the practice. It was quite true, as had been stated in that House, that the officers of the English Navy were superior to those of any other navy in the world; but he could not concur in the view of the hon. and gallant Admiral who had last spoken, that they entertained very friendly feelings towards the commercial marine. Was the extortion of salvage from ships in distress an evidence of kindly feeling? The late Government deserved the thanks of the country for having put an end to the system of salvage; and he hoped that the present Government would co-operate with the late Government, and render it an imperative duty on the officers of the Navy to afford at all times every assistance in their power to ships of every nation when in distress. No American or French captain of a man-of-war ever demanded a single shilling for saving a vessel from shipwreck; but officers in our service had taken most offensive measures, by proceeding in courts of justice to obtain great payments for salvage. The naval officers in all foreign services were called upon to give assistance to any vessels which they found in distress, without the smallest claim to or idea of salvage, in any form or degree. There was no service in the world in which greater improvements had of late years been made than the British Navy, especially in the treatment of the men, their pay, and accommodations. But if there were any difficulty in manning the Navy, the Government should offer bounties, as other countries did, and the difficulty would soon cease. They were going to maintain a reserve of 5,000 seamen. What was to be done with them? He very much doubted the wisdom of the measure. He thought the Government had shown a wise discretion in yielding to the suggestions contained in the recommendations of the Committee; but he would remind them not to act hastily in carrying out those recommendations. Let them examine the question well, and, above all, let them inquire most carefully into the question of expense. He wished the House and the country to read the speech of the hon. Gentleman the Secretary of the Admiralty in connexion with the speech delivered in Paris the day before yesterday. The President of the French Republic had herein expressed his great desire to maintain peace with all nations, and he (Mr. Hume) thought they might now dismiss the Militia Bill altogether, as unnecessary and uncalled for. When the hon. Gentleman laid before the House that statement, with reference to the navies of foreign countries, he had entirely omitted to mention whether the ships were in commission, or whether they were ready for sea. The hon. Gentleman had told the House that Russia had forty sail in the Baltic, from which some might run away with the idea that we ought to have forty sail in the same waters to watch them. But it was very plain that the Admiralty themselves believed that there was no danger in that quarter, because they had not sent so much even as a single sloop of war to the Baltic; so that the fact of this Russian fleet being in the Baltic could be no argument for increasing our naval armaments. We had no reason whatever to fear this parade of ships on the part of Russia, because there could never again be a coalition of all Europe against England; and besides, we had plenty of ships at our colonies, where three out of every four were perfectly useless, and totally unnecessary for any purposes of protection. It was not the naval force of Russia or of France that we need be alarmed at. He would tell the hon. Secretary to the Admiralty that the first competing Power we could have to contend with was the United States of America, which had a commercial marine almost equal to our own. Yet the hon. Gentleman did not think it necessary to adduce any statistics of the naval power of the United States. Was he not aware that, as soon as the recent hostilities between the United States and Mexico ceased, the United States arrested her shipbuilding operations, put her line-of-battle ships out of commission, and reduced the number of her captains and other officers from 400 to 350, and every other grade of seamen in proportion. And her reason for taking this course was, that having no difficulty in time of war in getting the requisite number of men, in a time of peace she ought to reduce her establishments, and husband her resources against any recurrence of hostilities. He hought we ought to adopt a similar policy, and, above all, let us encourage our mercantile marine, and by extending the principle of free trade promote the intercourse between England and every part of the world. By that means we should be enabled to man our Navy whenever it was called for. In conclusion, he would acknowledge that the speech of the hon. Secretary to the Admiralty was, perhaps, the most satisfactory statement he had heard for some time past, because it showed that the Government were desirous of doing what they could to give efficiency to the maritime resources of the country.

MR. COWPER said, that the hon. Gentleman who had just sat down had not shown his usual good nature in the blame he had cast on the officers of the Navy. Whatever they received for salvage was awarded to them by Courts of Law; and whatever might be the propriety of altering the law, while it remained unaltered they were not to be reproached for claiming that to which they were entitled. One case had lately come to his knowledge in which a claim had been improperly made, and it had led to the order of the Board of Admiralty which had been alluded to; but, generally speaking, there had been no deficiency of that generous and liberal spirit which was the characteristic of British sailors. He (Mr. Cowper) regarded the system of reserves as a most economical means of having available for any emergency a force which was not necessary in times of peace, but which, if not held in reserve, would have to be regularly paid as part of the permanent establishment. He could not, like the hon. Gentleman (Mr. Hume), blame the hon. Secretary to the Admiralty for comparing our naval strength with that of other nations, because he thought it necessary to consider by what amount of force we were likely to be attacked when we were determining the extent of our own establishments. Now, by a return, he found that the French navy consisted of about 40,000 men, including 15,000 marine infantry and marine artillery; whereas the Estimates now on the table of the House gave England only a total of 39,000 men. The expense of the French Naval Estimates for the home and colonial service last year amounted to 4,276,000*l.*, which was more than was spent for effective service in the British Navy. The amount of our Estimates was 5,600,000*l.*, and if from this were deducted half-pay, and civil and military pensions and allowances, it reduced the amount to 4,140,272*l.*, or less than the amount of the French Naval Estimates, which had not to provide, like our Estimates, for a large number of veterans who had served in the last war. He thought that we ought to have a large preponderance of naval force over our warlike neighbours, to render ourselves safe; for though an hon. Member had ridiculed the idea of invasion, yet when nations went to war they attacked one another; and if we were dragged into a war, we must expect an attempt to attack or invade us. It must be remembered that the attacking Power had advantages, in the choice of the time, the place, and the mode of attack, over the defenders. A large number of steamers would be requisite to cover all the points that were assailable. If the attack was conducted according to the views lately published by a foreign officer, and was made in three different directions, unless the English naval force were strong enough to cover all the points attacked, the expedition that was most weakly resisted would be the most vigorously prosecuted. An attack by sea was no doubt a very difficult military operation; but did it follow, because the operation was difficult that it would not be attempted, or might not be successful? In war, those who were the most audacious, and ran the greatest risks, were often the most successful; and the best general was the one who made the fewest blunders. All operations of war were uncertain, and particularly those that depended on wind and waves; and we ought not to leave out of calculation the chances that might be against us. He was glad to hear that the measure contemplated by this Motion was to be carried out. There would be no difficulties in carrying it into effect, unless with respect to the question of the light-dues. The reason, in fact, that the Report of the Committee had not been acted upon before was, that the compensation asked—exemption from the light-dues—was thought too much. But if any other compensation could be hit upon which would be agreeable to the owners of the vessels, and which was not excessive, there was no reason against the measure, and it would be attended with great advantage to the country.

SIR GEORGE PECHELL said, he understood that in his absence from the House the hon. Gentleman the Secretary for the Navy had referred to the town of Brighton for the purpose of supporting his argument. Now he begged, as the representative of that borough, to deprecate the supposition that it was favourable to the expenditure of any more money upon the defences of the country. It was in vain to think that that town could be defended by placing guns at the end of the chain pier, or at the end of every street. They could not thus prevent ships from throwing their projectiles into the town, and to plant these guns there would only be to give the enemy an excuse for firing upon the town as a fortified place. Did they mean to fortify that town like Paris? [Mr. STAFFORD: No!] If the Admiralty made a proper distribution of the naval force on the coasts of Kent and Sussex, they might defend them in a proper and efficient manner. But they must not think that that House would vote money to erect fortifications on the coasts, or that the people would submit to them. He recollected the time of the erection of the Martello towers, and the jobbery that was then carried on in connection with them. Then, too, was made that military canal, thirty miles long, by which, although only a few yards wide, it was thought they could stop that French army which had crossed the Rhine and the Vistula! The fact was, the money of the country was then expended for the purpose of keeping out what were called revolutionary principles; just as hon. Gentlemen opposite, in order to keep out reform, were protracting that discussion, to prevent the Motion for the ballot coming on.

Mr. ANDERSON, in reply, said, that after the very satisfactory assurance, on on the part of the Government, which had been given by the hon. Member the Secretary of the Admiralty, he felt that it would be unnecessary, as well as unbecoming, for him to press the matter further; and therefore, with permission of the House, he would withdraw the Resolution.

VISCOUNT PALMERSTON said, that he would just suggest that it might be expedient to exclude iron steam vessels from the arrangements now in contemplation; for he apprehended that they would not be found to be fitted for the purposes of war.

CAPTAIN DUNCOMBE said, that this subject had already engaged the attention of the Board of Admiralty.

Motion, by leave, *withdrawn.*

IMPORT DUTIES ON WINES.

MR. CHISHOLM ANSTEY rose to move for a Select Committee to inquire into the cause of the decline in the Revenue derived from the Import Duties on Wines. The terms of his Motion demanded some explanation. He was willing to admit that, if the Revenue of the present year were only to be compared with that of one or two years immediately preceding, it would not be correct to say that there had been a decline. What he meant was to present a comparison between the present revenue and that derived from the wine duties at any former period, when the rates were lower in amount. If the Committee were granted, he should endeavour to satisfy them that a very great additional revenue could be obtained by the equalisation and reduction of these duties. He would show them, by a reference to former times, that when the duties were high, the amount of the revenue derived from them was low, and *vice versâ;* and that under the present rate of those duties, consumption had declined, frauds had increased, and revenue, instead of progressing with the population, had dwindled. He would first call the attention of the House to the years 1788–90, as compared with the present period. The Wine trade was then comparatively free, the genius of Mr. Pitt having freed it from many restrictions which the prejudices of former times had imposed upon it. Mr. Pitt, on laying before the House on the 6th May, 1786, his proposal to reduce the duties on wine from 9*s.* 2*d.* to 4*s.* 6*d.* on French, and 3*s.* on Peninsular wines, and to give effect to the French treaty of 1786, said, that the reduction of the duties would increase the consumption of wine, and would add largely to our exports of manufactured goods, and to the amount of the revenue, and would greatly diminish those frauds by which not less than 280,000*l.* was then annually lost to the country on a revenue of 848,509*l.* The prediction was fulfilled. Such was the effect of the reduction, that whereas the consumption of wine in the two years previous to the reduction, had been only 3,350,130 imperial gallons, it rose in 1788-90 to 5,742,660 gallons, and the increase in the consumption was accompanied by an increase of 88,556*l.* to the revenue. The population of the United Kingdom was then less than 14,500,000, but although it had in 1851 increased to nearly 30,000,000, the consumption of wine, which was 7,851,707 gallons in 1791, had in 1849, the last period to which the official returns extended, fallen off to 6,437,222 gallons; the population having more than doubled itself in the same time; and property, which even in 1812, produced only 21,500,000*l.* chargeable with income tax, yielding, according to the returns in 1849, no less than 57,000,000*l.* so chargeable. To go back to a still earlier period: the duties in the reigns of Charles II. and James II. were 4*d.* and 8*d.* a gallon. Now the population at that time, exclusive of Ireland, was about 5,000,000, and there was actually then a consumption of 9,000,000 gallons, of which not less than 4,000,000 gallons was French wine, a larger amount than had ever been consumed since 1703, the period known as that of the Methuen Treaty. The duties on French wines had been increased about that time to punish the French king for the encouragement he had given to the Stuarts, and the treaty further stipulated that they should always be 33½ per cent more than the duties on Peninsular wines. Mr. Pitt reduced all the duties, and the result was a rapid increase in the consumption. In 1788, the duties were further reduced, and so they remained until the revolutionary war; when they were again raised. He would not follow up the subsequent changes, but the fact was, that from 1786 the duties had been altered no less than twenty-two times. At one period there was a minimum duty on French wines of 4*s.* 10*d.*; at another a maximum of 19*s.* 8*d.*; and the rates had similarly varied with respect to Peninsular wines, from 3*s.* 1*d.* to 9*s.* 1*d.* per gallon. In 1825 Mr. Robinson reduced the duty on French wines from 13*s.* 9*d.* to 9*s.* 1¼*d.* per gallon, and on Peninsular wines from 7*s.* 2½*d.* to 4*s.* 9¾*d.* The result was that the consumption suddenly increased from 5,030,091 gallons to 8,009,542 gallons; and the revenue, which under the high duties had been 2,153,112*l.*, even in the year after the change, reached to the sum of 1,955,790*l.* In 1831, all other wine duties were equalised; but, contrary to the original intention of the Legislature, a retrograde step was taken by the imposition of a differential duty in favour of Cape and Colonial wines—the duties then imposed being on all foreign wines 4*s.* 6*d.* per gallon; on Cape and Colonial wines 2*s.* 9*d.* The effect of this was seen in the fact that whereas up to 1831 the imports had been hardly 1,000,000 gallons annually in excess of the wine entered for home consumption, they rose subsequently to an annual excess of 2,000,000 or even 3,000,000 gallons on an import of 9,000,000 gallons. And it was asserted that since 1831 a new fraud had made its appearance in the trade, which was clearly traceable to the differential duty in favour of the low-priced and inferior wines of the Cape. It appeared that these low wines, having been imported at the low duty, were mixed with other wines and exported to obtain, in fraud of the revenue, the high drawback of 5*s.* 6*d.* receivable in respect of those wines. These wines were also used for the adulteration of the foreign wine consumed in this country, which now went on to such an extent that he believed the people of this country consumed double or treble the quantity which appeared to be imported; the balance being made up of the stuff employed in adulteration by the vintner or licensed victualler. In 1840 a most impolitic enhancement took place, and these duties were again increased to 5*s.* 9*d.* 6-20ths. per gallon on foreign, and 2*s.* 10*d.* on colonial; and at these rates they had ever since continued. Now, a duty of 5*s.* 6*d.* per gallon amounted to 33*l.* per pipe, and when they considered that if the monopoly of the Oporto Wine Company were removed, the cost of a pipe of Portuguese wine would not exceed 10*l.*, and that even so long as that company (which defrauded our revenue of 350,000*l.* annually) remained in existence, the cost of that high-priced wine should not exceed 20*l.*, he thought they would be of opinion that a rate of duty was imposed which was justly objectionable on all sound principles of commercial policy. If this was the case with respect to the costliest wine, how much stronger was the objection to such a duty as applied to the low-priced wines of France and Germany. Even the rate of duty upon these wines, which he should propose to the Committee, would amount to not less than 50 or 60 per cent upon the price of many foreign wines; while, since 1846, that House had laid down the principle that in no case should the duty upon articles imported exceed 10 per cent upon its natural value. He had already mentioned that the duty had been increased in 1840 from 5*s.* 6*d.* to 5*s.* 9*d.* 6-20ths., and he found that that increase was again attended with a reduction both in consumption and in the revenue; for while in 1839 there was a consumption of 7,000,486 gallons, with a revenue of 1,849,698*l.*, there was in 1840 a consumption of only 6,553,922 gallons, with a revenue of 1,791,636*l.* A summary of the returns from 1787 to the present time, taking five years as representing five different periods and rates of duties, gave the following results: In 1787, prior to the reductions of Mr. Pitt coming into force, the revenue was 848,509*l.* The effect of those reductions was to increase it in 1792 to 1,148,755*l.*; the reduction in 1825 made it 1,955,709*l.*, being a diminution of only 197,000*l.*, as compared with the previous year, although the duties had been diminished one-half; and, after the reductions and equalisation of duties by the Act of 1831, the revenue amounted, in 1839, the year previous to the new increase of the duty, to 1,849,698*l.*; whilst, in 1850, it had fallen again, under the enhanced rate of duty, to 1,679,980*l.* So that the revenue was now, in 1850, about 210,000*l.* less with a duty of 5*s.* 9*d.*, than in 1839 with a duty of 5*s.* 6*d.* But what he proposed was not merely to go back to the policy of 1831 and the eight following years, any more than to that of any of the periods to which he had referred, but to advance much further. He thought that it was impossible to impose an *ad valorem* duty on wine. He believed, to settle this question satisfactorily, they must adhere to the great principle laid down, first of all in 1825, and afterwards in 1831, for the equal assessment; but to make that a just assessment they must assess the duty at the lowest price, and not to take the highest duty for their standard. The plan which he intended to submit to the Committee, if his Motion should be agreed to, was, that there should be a duty of 1*s.* per gallon imposed upon French wines, answering as nearly as possible to the *octroi* duty of 1 franc per gallon, which was at present imposed upon the wines which entered Paris. He believed that, if this plan were adopted, the consumption, not of what is called wine, but what was really wine, would be very much increased; that it would put an end to the present system of adulteration, and largely benefit the revenue. According to the latest return, the proportion of wine at present consumed in this country was 1 1-5th bottle per head. That was supposing no wine was drunk but what paid the duty; whereas in Hamburgh, where a moderate duty was long established, the proportion was 29 bottles per head, and in Paris no less than 216 bottles per head. Now, assuming that the amount of genuine wine imported into and consumed in the United Kingdom would increase under the reduced duty which he proposed, to the extent of only twelve bottles per head, we should have a revenue of nearly 3,000,000*l.*, where we at present raised with difficulty 1,500,000*l.* But if, as was most reasonable to suppose, the increase should amount to eighteen bottles per head, or little more than one-half of the consumption at Hamburgh, the revenue would be increased to upwards of 4,000,000*l.* This would enable them to dispense with the House Tax of last year, and many other taxes which still oppressed the lower classes, and prevented them from acquiring those habits of cleanliness which were indispensable to their health and comfort. Or, if they wished to gratify the British farmer, it would enable them to reduce, if not to look forward to the abolition of the malt tax. Such was the nature of his plan, and his object was to have a Committee to consider it; but he begged to say that hon. Members were pledged to nothing in agreeing to this Motion. There was one other point upon which he wished to say a word before concluding; and that was with reference to the Oporto Wine Company. The hon. Member then stated some facts to show that the Company's monopoly (established in 1754, in defiance of the Methuen Treaty of 1703), and revived in 1843, in defiance of that of 1842, had had the effect, in the first place, of gradually driving out of the market the cheaper wines, which, up to the middle of the last century, used to be imported into this country under the Methuen Treaty; and, in the next place, of materially debasing the quality and enhancing the price of port wines consumed in this country. If, however, we reduced our duties on other foreign wines, as he proposed, the effect would be to let in the whole world into competition with the Portuguese Government, who would then, in self-defence, be obliged to abandon the monopoly, and to take off their export duties in proportion as we took off our duties on imports. He believed that the House would entertain the proposition in a proper spirit. He did not fear to be met with a repetition of the exploded prejudices of other days, in which, however, the existing system of high duties had its origin. It was too late in the day for Parliament to return to the narrow-minded policy which, in 1703, dictated a Methuen Treaty, or in 1688 an "Act for prohibiting all trade and commerce with France." The country would laugh to be told now in the language of the preamble of the Act of the 1 *W. & M.* c. 34, that—

> "It hath been found by long experience that the importing of French wines, vinegar, brandy, and other the commodities of the growth, produce, or manufacture of France, or of the territories or dominions of the French King, hath much exhausted the treasure of this nation, lessened the value of the native commodities and manufactures thereof, and greatly impoverished the English artificers and handicrafts, and caused great detriment to this kingdom in general."

It would be vain to enact, as then it was enacted, that—

> "None of the commodities aforesaid, or any any other whatsoever of French growth, product, or manufacture, shall be brought in or imported, and that all and every importation and importations, vending and selling, or uttering or retailing of any French wines, vinegar, brandy, or other commodities, shall be adjudged to be a common nuisance."

A proposition which, within less than two years afterwards, even the Parliament that made it was obliged to confess (by the 2 *W. & M.* sess. 2, c. 14) to have lamentably failed, for that such commodities "were still imported." Trusting that a reduction of the import duty on wines would tend to promote commercial intercourse between this country and France, he proposed this Motion. The adoption of it would contribute more than any legislative measures which could be devised to the preservation of peace with all countries; an extended wine trade would become the best guarantee of amity with Europe, as our cotton trade was of amity with America; and it might go far to render unnecessary those gigantic schemes of national defence which were now agitating the minds of our statesmen.

The CHANCELLOR OF THE EXCHEQUER: Sir, the hon. and learned Gentleman who has brought forward this question has entered into a long and, as far as I could collect, an accurate narrative of the history of the wine trade, sketched from the period of the Methuen Treaty to 1787, and even going much further back. I assure the hon. and learned Gentleman that I entirely sympathise with the policy that was pursued by Mr. Pitt—a policy founded upon the true commercial principles on which a country should be governed. I rejoice at the great advantages to both countries from what took place; but I must remind the hon. and learned Gentleman that the principle adopted by Mr. Pitt was a principle of reciprocity; and though we have at several periods reduced the duty on French wine, I do not find on the part of the French Government that reciprocal inclination that Mr. Pitt was more fortunate in meeting with. The hon. and learned Gentleman has also entered into some general principles of taxation on which I am inclined to agree with him in opinion. He has said that the reduction of taxation will lead to an increased consumption; but at the same time you are bound to take into consideration to what danger that decreased taxation will lead. I cannot but remember that there was a considerable reduction of the duty on wine in 1831, and that it was not until 1844 the loss sustained by the revenue in consequence of that alteration was regained. It is therefore necessary in dealing with those questions to look to the revenue of the country with considerable caution. The Motion of the hon. and learned Gentleman is, in my mind, incorrect in expression. It is a Motion for a Select Committee to inquire into the causes of the decline in the revenue derived from the import duties on wine. Now it is not correct to state that there has been any decline in the revenue received from the import duties on wine. I shall put before the House a return I have just received of the state of the wine trade for the last four years, and in forming an opinion of the state of the revenue derived from the import duty on any branch of commerce, the more practical mode is to look to the times we live in, and not to the time of the Methuen Treaty, or the French treaty of 1787. Here is a return of the quantities of wine retained for home consumption in the United Kingdom, in the year ending the 5th of January, 1849, 1850, 1851, and 1852, with the amount of duty received thereon. I shall first refer to the amount of duty received, because it is to the decline in the revenue the hon. and learned Gentleman particularly calls attention. The amount of duty received on wine taken out for home consumption in the year 1849, was 1,732,282*l.*; in the year 1850, 1,767,516*l.*; in 1851, it rose to 1,821,123*l.*; and in 1852, there was a slight decline to 1,777,259*l.* The House will observe that there is a slight decline in 1852, but that is entirely attributable to the large quantities that were taken out of bond by the vintners and licensed victuallers, in anticipation of a great consumption of wine at the congress of strangers in the metropolis during the Great Exhibition. It is a curious circumstance, however, that all the arrangements then made by the trade appear to have been very ill-judged, and the wine trade consequently has met with very great disappointment. Not only our own countrymen who congregated in the metropolis, but more especially the foreigners, instead of drinking wine drank beer, and particularly porter, in enormous quantities. It has been represented to me officially that the foreigners drank nothing but London porter. The consequence is, that the large increase of wine taken out for home consumption was not used, and that having occurred, there appears a diminution on the return with which I have just concluded. But in the year 1851 there was not a general decrease in the revenue derived from wine, the diminution was only in one article. The trade, specially anticipating a consumption by foreigners, took, with very little foresight, out of bond, port wine, and it is only on port wine there is in 1852 a diminution of revenue. In comparison with the year 1849, there is in 1852 an increase, and the decrease appears on a comparison with the revenue received in 1850 and 1851. With regard to French wines, the amount taken out of bond in 1851 was 341,748 gallons, and in 1852, 447,559, showing an increase of 105,811 gallons. There is also an increase in Spanish wine. The amount taken out of bond in 1851 was 2,469,000, and in 1852, 2,533,000, so that there is an increase in the year just ended of 64,000 gallons. The great diminution has been in the wines of Portugal. In the year 1849, the amount taken out of bond for home consumption was 2,446,813 gallons; in 1850, 2,648,242 gallons; in 1851, 2,814,979; in 1852 there was a diminution to 2,524,720 gallons. But if we compare the year 1852 with the year 1849 there is an increase, and it is only in comparison with the years 1850 and 1851 that a diminution appears to have taken place in consequence of the amount taken out for home consumption in 1851. Comparing the revenue of 1852 with the revenue of 1849, there is no diminution; but, on the contrary, an increase of the revenue derived from port wine. The hon. and learned Gentleman, then, must see that the terms of his Motion are not correct, and to say there is a decline of a revenue that is not declining, is hardly what the House will sanction. I will trouble the House with a return of the entire quantity of wine on which revenue has been raised during the last four years, and which even includes Cape. In 1849, the quantity was 6,136,547 gallons; in 1850, 6,251,862; in 1851, 6,437,222—that was the great year; and in 1852, the year just finished, 6,280,587; exceeding not only the amount of 1849, but the aggregate amount of 1850, and nearly equalling the great year of 1851. The hon. and learned Gentleman will therefore see that it is quite erroneous to say that there has been any decline in the revenue derived from wine. Now if the hon. and learned Gentleman really wished for a Committee to inquire into the revenue derived from wines—knowing very well that the hon. and learned Gentleman will with that assiduity and intelligence that distinguish him, no doubt bring out a great deal of information for the House—I certainly will not oppose it; but it appears to me, having followed with great attention the hon. and learned Gentleman, that he is perfectly master already of all the facts of the case. And I may also say, with the greatest respect, that those facts are also known to many Gentlemen in this House. With regard to the principle of political economy he would apply to those facts, this also is very well understood. And if a Committee were appointed, the hon. and learned Gentleman could scarcely give us results more accurate than those he has already conveyed to us; and hon. Gentlemen on both side of the House will be able from those facts to draw their own inferences respecting the taxation and revenue of the country. If the hon. and learned Gentleman really wishes for the Committee, with a slight but necessary alteration of his Motion, I will consent to it; but I hope he will recollect that the Members of the House are very much taxed at present by their attendance on Committees. A representation was made to me the other day that it is difficult to get Members to attend on the most necessary Committees; and perhaps the hon. and learned Gentleman will, on second thoughts, be satisfied with having laid an accurate and able statement before the House, and with having called the attention of the House to a subject that necessarily engages the attention of all concerned in the taxes of the country; he will consider that he need not trouble the House further with the question, because it must appear to him that the subject of the wine duties must necessarily engage the attention of any one who is responsible for the collection of the revenue of the country. But at the same time there are many other duties which I myself certainly feel have a very superior claim to the consideration of the Chancellor of the Exchequer. There is no question but it is very possible that we might alter the duties on wine, and might diminish those duties, and not permanently injure the revenue; but that is always a hazardous project, and must be done with very great caution. Not to mislead the House or the hon. and learned Gentleman, it is certainly my opinion that if import duties are to be diminished, there are many articles that have superior claims to that of the different wines imported into this country.

Viscount PALMERSTON: Sir, perhaps the right hon. Gentleman (Mr. Henley) may not now be able to answer a question in connexion with the statement that has been made by the hon. and learned Member for Youghal, (Mr. C. Anstey) which I wish to put to him, but he may be able, on another day, to inform the House how the matter stands to which my question refers. The hon. and learned Gentleman has adverted to the great abuses practised by the Oporto Wine Company, in regard to the trade in wine between Portugal and this country. Her Majesty's late Government had many representations made to them that the regulations established by the Portuguese Government in regard to the Oporto Company, and the practice of the Oporto Company itself, were inconsistent with the stipulations of the treaty of 1842. It was the opinion of Her Majesty's late Government that those representations were well founded, and that impediments and restrictions were imposed upon the exportation of wine from Portugal, and its importation into this country, which were at variance with the stipulations of the fourth article of that treaty. We made a strong representation to the Portuguese Government on the subject; and when I ceased to hold the office of Secretary of State for Foreign Affairs, an understanding had been established between the two Governments, that after the general election, which was then about to take place in Portugal, the Portuguese Government would remedy the abuse of which we complained, and that either by an alteration of the Executive Government, or by some new law that was to be proposed to the Cortes, the practice of the Oporto Company should be placed in harmony with the stipulations of the treaty. I am bound to say, however, that the Portuguese Government did not admit our argument that the regulation was at variance with the stipulations of the treaty, notwithstanding our case was completely established; but the Portuguese Government, without admitting the force of our argument, engaged to remedy the evils of which we complained. I wish to know therefore from Her Majesty's Government, either now or at some future day, what is the state of the communications between the two Governments on that point, and whether the Portuguese Government have taken any steps to redeem the pledge I consider it has given to us to set right the matter to which our complaint relates?

Mr. HENLEY: The question to which the noble Lord has referred, is one he has correctly stated so far as I am able to judge. He has correctly stated that communications were going on at the time he ceased to be connected with the Foreign Office with regard to this question. Those communications have been carried on to the time at which the late Government left office. They are at the present moment going on, and the present Government will not lose sight of the subject. They feel its importance, and it will not be through want of attention on their part if it shall not be brought to a satisfactory conclusion.

Mr. CHISHOLM ANSTEY begged to thank the right hon. Gentleman the Chancellor of the Exchequer for his courtesy, and would take the Committee in the way he had pointed out, omitting in his Motion the words "causes of the decline."

Select Committee *appointed* "to inquire into the Revenue derived from the Import Duties on Wines."

THE BALLOT.

Mr. HENRY BERKELEY then rose to bring forward the Motion of which he had given notice with respect to the Ballot. He said they had before them the prospect of a general election. [*A laugh.*] He did not know whether his hon. Friends laughed for joy at that prospect, but, at all events, it was a prospect which was full in their view, and in that election all the glaring faults of their electoral system would be brought into play, and when the electors of the country would be exposed to all those inveterate evils which he had from time to time brought before that House with a view to legislation. He was now about to ask the House to give him permission to bring in a Bill to alleviate those evils. They had last year had a great influx of foreigners into this country; persons from all parts of the globe had visited this island; they found us a grave and sedate people, firmly attached to order. But let them visit us a few months from this time, and in place of order they would find most admired disorder; they would find us engaged in a kind of electoral saturnalia, and when they witnessed the riot and confusion, the drunkenness and debauchery, the tyrannic intimidation which accompanied these orgies, they would imagine, not that they had visited a mere *maison des fous*, but a nation of madmen. And if ever there was an election which bid fair to be marked with those attributes, it was the election which was now about to take place. A rich and powerful party, after a lapse of years, had just obtained power. They had just got the honeyed bowl to their lips; and it depended upon the ensuing general election whether they were to be allowed to drain it to the dregs, or whether it was to be rudely snatched from them almost before they had tasted its sweets. A fearful struggle was, therefore, about to take place. Already the note of preparation had gone forth; herds of low attorneys had crept from the police courts and the low bankruptcy courts, where they had wrung fees from the hands of poverty and vice, and they had become the electoral agents of the rich and powerful. Their agency was a searching inquiry into the misfortunes and liabilities of electors; and the devilish ingenuity with which they created screws to force from the electors a dishonest and unwilling vote, was almost beyond belief. If such was their agency, what was their trade? Their trade, the electors' conscience — their means, the electors' misery—their employers, the House of Lords—the result, the House of Commons. If hon. Gentlemen were bold enough to deny this description, he would refer them to their own knowledge—to the common knowledge of the country—above all, he would refer them to the excellent and intelligent work of Mr. Dod, in which they would find that ninety-eight borough Members were returned to that House through the direct interference of Peers. If further evidence were wanted, he would refer them to the Committee which sat in 1842, on the Motion of Mr. Ward, and which laid before the country an account of the screws used at elections, from thirteen canvassing books taken indifferently from counties and boroughs. If he were charged with exaggeration, he was provided with evidence to put down such a charge in an analysis of the evidence taken before the Committee that sat in 1835, to inquire into the malversations that took place with regard to the franchise. The original evidence extended over 700 folio pages; but the perusal of this analysis alone would lead the House to the conclusion that the enormities committed were not at all exaggerated. They would be led to this conclusion also, that it was not the aristocracy alone who were guilty of such conduct, but that the democracy were to the full as tyrannical as the aristocracy, and that between these two parties the electoral world were found to suffer great hardships. He prayed permission of the House to quote one case, and only one. It was not the case of an intimidated Reformer—it was not the case of a wretched Radical—it was not the case of a despised Dissenter—it was not the case of that dreaded Guido Vaux, a Roman Catholic—but it was the case of a man who would be dear to Protectionist hearts —it was the case of a regular tough Tory, one of the die-hard, never-to-be-convinced sort; and withal, it was the case of an honest man who had been put under the ban of proscription. [The hon. Gentleman then read, amidst much laughter, the case of a Mr. James Gilbert, a licensed victualler and wine-merchant in Birmingham, who had taken an active part in canvassing the town for Mr. Spooner. It was in the form of question and answer, as follows:—]

"Where do you reside?—At Birmingham.

"What are you?—I am a licensed victualler and wine-merchant.

"Did you take an active part in the last election for the borough of Birmingham?—Yes, and canvassed for Richard Spooner, Esq.

"Was any extensive system of intimidation in practice at that election by which the votes of a considerable number of electors were influenced?—Yes, there was.

"You are a partisan on the Tory side?—Yes; I have taken a part, and have always been proud to do it. It has been a hobby all through my life; I have done it for forty years.

"Can you give any instance that came within your own knowledge by which a vote or votes were influenced?—The witness then cited three very strong cases, those of two landlords and a pork-butcher.

He was then asked—

"Do you think the system of political union contributes to the system of exclusive dealing?—Yes; and if there had never been the Political Union, Mr. Richard Spooner would have been now in the House.

"Do you think that there are many men as strong partisans as you are who would rather not have a vote?—I'm sure I can't say; I never heard them say so; I have heard their wives say so; but a good Tory never flinches.

"Do you think a good Whig would flinch?—I'm sure I can't say. I never keep company with such gentry.

"Did the clergymen in, and of the neighbourhood of the town of Birmingham, come in to canvass at or previously to the election?—I never saw one canvass, and I never saw a clergyman of the Church persuasion there all the time.

"Have you known Dissenting ministers canvass?—I have been informed they have, but I never saw them; particularly one, Mr. East, laid great stress on his congregation.

"And the Catholic clergymen ?—Yes.

"Did the Dissenting ministers take an active part in the election ?—They did, indeed ; and one Catholic man was very active.

"Have master manufacturers much influence over the votes of the operatives ? — Yes, very great influence. I have heard of their making speeches to them, and telling them (which is a very great stroke of deceit), this is the reason why we have to pay you such low wages, and if the reform were got we should pay you better wages."

He (Mr. H. Berkeley) thought they had heard something like that at their Protectionist meetings :—

"There are clergymen and manufacturers, probably both Whig and Tory, acting this way ?—No ; the Tory side never preach up about reform, for it does no good.

"Though they do not preach about reform, they preach about something else, perhaps, in order to influence votes ?—I believe that the chief that they preach is about the Church being in danger.

"According to your evidence, the man who is not independent in Birmingham, is the tradesman whose custom lies among the populace ?—Yes, they are all dependent upon the populace."

Mr. Berkeley proceeded : After this reluctant and prejudiced, but honest, witness, had thus testified to the evil, he was questioned as to the remedy :—

"Do not you think it would be a good thing if men could give their votes without being subjected to lose their custom ?—I can never bring my mind to do anything in secret.

"Do not you think that those who are not able to give their votes openly, without ruin, would be benefited by giving their vote secretly ?—It would be a benefit at the time, but if it got wind, it would cause a worse jealousy.

"Supposing that it never did get wind ?—Then it would be a benefit.

"Supposing that you contrived, as the gentlemen in the clubs in London contrive, to vote so that it can never be known how you voted ?—Though I should never be an advocate for that, it would be of vast benefit to me.

"Do you think that if a man had voted in secret, he could not keep that secret ?—I cannot say ; I think they would be able to get it out of him, unless he were a man of strong nerve.

"What, if he knew that his ruin would follow ?—I can't say.

"Would not the welfare of honest men be increased by that secret voting ?—It might do away with that violent party spirit after a time, perhaps.

"That would not be the case for many elections, you mean ?—Yes.

"You think it might after a time ?—It might do it away.

"Do you think it would do that away when there was a contest ?—Yes ; it is the seeing a man going up to vote, and knowing how it must be, that rouses the spirit. Father and son often will hardly speak to one another.

"You have suffered yourself severely from your vote ?—I have.

"Do not you think that it is very hard to suffer for an honest vote ?—Yes ; they have come and said, you have been a Tory long enough ; if you will turn to us we will bring you a house full of custom.

"That is a form of bribery, is it not ?—They have said, you will be ruined by sticking to that party. I have said, I have been brought up as a Tory, and I will go to the workhouse as one, sooner than change.

"Your opinions, in consequence of your being an active partisan and a bold man, are well known ; but take the case of a person who has never taken an active part, and is quite nervous about these matters, would it be better for him ?—Yes, it would, I believe. If it had been done in that way that nobody knew how they voted, Spooner would have been returned.

"Therefore, many voted against their opinions ?—Yes.

"Would it not be a great point to have their votes agree with their opinions ?—Yes.

"Do not you think it would have been a great thing for the pork butcher, you just now mentioned, to have been enabled to vote as he wished ?—Certainly.

"Do not you think that it is very hard that an honest man should be injured for conscientiously exercising his will.—Certainly."

Now, he (Mr. H. Berkeley) thought that was a tolerably fair specimen of the manner in which elections were conducted at Birmingham nearly twenty years ago. The right hon. Gentleman the Chancellor of the Exchequer declared the other night, in the debate on the national representation, that corruption at elections could not be stopped by law—that it must be done by elevating the tone of the community. Now it struck him that that was rather a novel position, and that if it were correct, the noble Lord the Member for London and other Gentlemen who were legislating to put down bribery, were all going in the wrong direction. But as to elevating the tone of the community, let them see how they had elevated the tone at Birmingham during the last twenty years. His hon. Friend the Member for Birmingham told them a short time since that at every election at Birmingham there were at least one thousand electors who dared not go to the poll. And how many more were there, he would ask, who refused to be on the register altogether, though perfectly qualified to be so ? Join the number of those who refused to be on the register with those who, though on the register, refused to vote, and they would see a great curtailment of the franchise at once established, owing to the system of open voting, and that curtailment affecting those best qualified to take a part in the political affairs of their country. At Bath there were 430 electors who dared not go to the poll because, to use their own homely but graphic language, they might shut up shop if they did. And would the Chancellor of the Exchequer, who affected to be anxious for the elevation of the tone of the people, tell him how this was to be accomplished? It struck him that the only way to do it was by education. But, unfortunately, they found that it was men who were superior in their education to any class in any part of the world—the noblemen and the gentlemen of the country—it was they who depressed the tone of the community by the practices which they carried on at elections. To tell the electors, under such circumstances, that they must wait for the elevation of the tone of the community, was a mere farce; and he should not be surprised if the honest but rough men who were so treated turned round, and, in the words of Lord Duberley, said, "Fine words butter no parsnips." He hoped, at any rate, that the Chancellor of the Exchequer would bestow his advice upon those noblemen and gentlemen who at the last election for South Notts hunted the tenantry out of their haystacks like vermin, and sent them like caged rats to the poll. The case of St. Albans had engaged the attention of the House during the present Session, but there was probably as much corruption in the following boroughs as at St. Albans. He would enumerate a list of boroughs and counties respecting the corruption or intimidation practised in which the clearest evidence had been given, namely, Bridport, Bristol, Birmingham, Coventry, Cambridge, Carlow, Clonmel, Cashel, Denbigh, Exeter, Gloucester, Hereford, Halifax, Ipswich, Leicester, Leominster, Lichfield, Lyme Regis, Marylebone, Norwich, Newry, Ripon, Westminster, Westbury, Youghal. For counties, let him cite Cheshire, Clare, Devon, Denbighshire, Essex, Kerry, Limerick, Meath, Waterford, Wexford, and Warwickshire. And how the elevation of the moral tone of the community was going on might be shown by recent exposures at Sudbury, St. Albans, Aylesbury, Harwich, the Falkirk Burghs, and Gloucestershire. He had hitherto dealt with arguments as they rose from time to time against the ballot. He had now, however unwillingly, to deal with the speech of a right hon. and much valued Friend of his the Member for Perth, in which he gave one reason for his voting for, and another for his voting against, the ballot. The reason for his voting for the ballot was, that though he thought it a bad measure, yet, as there was a number of fictitious votes in Perth which he had in vain tried to get rid of, he voted for the ballot by way of curing the evil. Now, he thought it was a most extraordinary mode of legislation to force a bad measure upon the whole of Great Britain and Ireland in order to cure rascality that was going on at Perth. But then came the argument against the ballot, when the right hon. Gentleman said if they crossed the Channel did they hear no warning voice against the ballot there? Had it established liberty, or protected the freedom of the people, or maintained a free press, or defended or maintained the law? Now, what man of sane mind ever imagined that the ballot would protect freedom beyond giving every man an opportunity of exercising a free and unfettered vote? Who ever thought that the ballot could protect the press or the authorities and constitution of a country from armed autocracy? Who ever thought that the ballot would put down an unscrupulous tyrant with 400,000 neat young gentlemen at his back, all armed to the teeth. But did the right hon. Gentleman forget that the deputies who were put down by the President were elected by the ballot? and that the ballot formed part of that constitution the upsetting of which by the French Ruler has placed all the press of England in mourning? For his part he thought that the working of the ballot in France under the late constitution had been highly in its favour; and the conduct of the neighbouring country, Belgium, afforded a splendid instance of the good working of the ballot. There they found that the aristocracy of birth and of talent, respectability, and landed property, were strongly represented. He said, lastly, that in America the working of the ballot was perfectly satisfactory. The Chancellor of the Exchequer, with that extraordinary ability and ingenuity which marked all his speeches, had dwelt upon the fact of a disturbance at New York during the late election, where open bribery was attempted, the electors were assaulted, and even the ballot-box, that object of wrath to the intimidators and bribers, was smashed to pieces—and, with extreme plausibility, he had laid the fault of all this upon the ballot. He (Mr. H. Berkeley) had resided for six years in America, and he had never seen the elections conducted there but with order and tranquillity. The Americans had always held to him this language—"We scarcely need the ballot, because there is an absence among us of bribery and intimidation; you want the ballot in England, because, in consequence of the law of primogeniture and entail, property belongs only to a few persons, and, in consequence, the tyranny of classes is felt." But he asked, how did these disturbances prove the fact that the ballot produced them? Would intimidation and bribery have been more checked by open voting? The truth was that the Governor of New York, in advising the Legislature to adopt some measures to check bribery, did not say one word about the insufficiency of the ballot. In confirmation of that he would read a letter written by an American gentleman. He says—

> "The statement made by the Chancellor of the Exchequer is no doubt substantially correct, but I have great doubts whether any American will consider that his inferences are the same. That intimidation has been resorted to, and that bribery has been partially successful, is I believe incontestable; but that the taking of the votes by way of ballot had anything to do with the difficulty, is clean out of the question. You will find that the Governor of the State of New York called the attention of the Legislature to the prevention of these disturbances at elections, but not one word was said by him on the subject of the ballot. The destruction of the ballot-box was accounted for by saying it was held in no great estimation by the advocates of bribery; but I believe it will be found to have arisen from not having been stationed in a place of safety; and we shall find that our local legislature will pass some stringent law on the subject, and will in future recommend our voting-urns to be located in a place of greater security."

But he (Mr. H. Berkeley) said, it was highly probable that they might hear at no distant period that disturbances had arisen, and that the ballot-boxes had been broken—in Carolina and Alabama, for instance, or in Maryland or Virginia—for in those States the ballot-box was the protection of those who wished to do away with slavery. In the ballot-box the enemy of slavery found protection from violence; in the ballot-box the friend to emancipation found security from Lynch law; in the ballot-box the benign principles of Christianity had taken root; and from the ballot-box rushed forth the glorious truth, that of whatever colour our skins may be, our souls before God are of but one hue. When they saw the enemies of the abolition of slavery desiring to put aside the ballot-box in America, and when they saw those who wished to keep Englishmen in a state of serfdom declining to give them the protection of the ballot, it formed a very strong case, and that case entirely for the ballot. He complained that the arguments used against the ballot were merely colourable, and that, instead of opposing the measure because the House doubted its efficacy, they opposed it because they believed it to be perfectly efficacious. He was brought strongly to that conclusion by reading an account of a large Conservative meeting which took place the other day in the city of Bristol. At that meeting there was a very influential body of Conservatives present, and their object was to select a candidate to fill the place of his hon. Friend and colleague, who had expressed his intention to retire. The chair was taken by a Mr. Vining, a gentleman of great respectability; and the sentiments which fell from the worthy chairman were strictly Conservative, but full of candour, and redolent of the most Arcadian simplicity. He (Mr. H. Berkeley) would read a short extract from Mr. Vining's speech, which he had taken from the *Bristol Gazette.* Mr. Vining thus attacked the vote by ballot, which both of the two candidates for Bristol considered an excellent measure. He said, "What is the use of registration, if a man is to vote by ballot?" and "what is the use of inquiring how a man is going to vote, when he may conceal that vote by ballot?" "Why, a man may register one way, and vote another." Now, perhaps, hon. Members were not quite *au fait* in that expression. It meant that partisans paid the rates of defaulters, and so secured their being put upon the register, which was a mode of bribery beforehand. "Thus," says Mr. Vining—

> "A man may vote one way, and register another. Suppose you give a man five pounds; he may receive the money, and vote another way. That goes to make a man disguise his real sentiments and meaning. If even I purchase a man I may not be able to know how he is going to vote; he may vote against me after he has said he will vote for me."

And then voices were heard to say—

> "That is what we want; you will not then have us under your thumb." "Gentlemen," said Mr. Vining, "I feel the majority of you are in my favour. Now, all I ask is this: Let us co-operate cordially in supporting true Conservative principles, and in promoting the welfare of the State, and our own interests."

There was a candid gentleman! Mark the faults found with the ballot: they would ruin his politico-commercial transactions. Poor injured gentleman! When he had bought his man it was quite doubtful whether his live bale of goods would be delivered. He (Mr. H. Berkeley) wished Mr.

Vining had extended his remarks to intimidation; they would have been most edifying. He would certainly have told them how he had threatened to turn out his tenant at No. 5, if he did not vote for Mr. A.; and how the rascal might go to the ballot box and vote for that terrible Radical, Mr. B. The fact was, the House refused to trust the people. They believed that their tendencies were democratic. He put it to hon. Members who had such feelings, whether they did not very much resemble a man who supposed that under the foundations of his house there was a subterraneous fire, and that at some future day, by some convulsion of nature, a crater would burst forth in his kitchen? When the noble Lord the Member for London recently moved for leave to bring in his Reform Bill, he said he thought the people deserved some reward for their exemplary conduct; yet the noble Lord was one of those who refused to do the people an act of simple justice. They who had refused to trust the people had good reason to know how the people might be trusted on the 10th of April, 1848. On that occasion they appealed to the people *pro aris et focis*, and they stood on their thresholds armed for their defence. They stood by their firesides, among their household Penates, cherished guests. He asked the House to trust them with the franchise it now denied them. In conclusion, he would say that though he was in favour of the principle of the ballot, he was not equally wedded to its details. All he asked was for a fair trial of the ballot. If the House liked it, let them make the ballot permissive. If they liked it, let them allow a certain number of electors who might demand the ballot to have the ballot. Do not let the House meet him with the statement that the ballot would do this or that in small constituencies. Let that be no bar to the Bill. If they liked the ballot, let them try it in constituencies above a thousand voters. He, therefore, said once more, that he was not wedded to the details, but he was to the principle; and he asked the House to permit him to bring in a Bill to give the electors the protection of the ballot. If the House gave him that permission they would do a great act of abstract justice to the people, who had merited it by the love of order, by the high moral tone of the community, by their reverence for the law, and loyalty to their Queen.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to cause the Votes of Parliamentary Electors to be taken by way of Ballot."

Mr. BARROW said, the hon. Gentleman who had just spoken was rather unfortunate in having alluded to the last election for South Nottinghamshire; for the fact of his (Mr. Barrow's) standing in the House of Commons at that moment was the best possible proof of the absence of intimidation on the occasion to which he referred. He knew, that in part, he owed his success at that election to the assistance of some Gentlemen who were themselves friends of the vote by ballot—not because they sought it for their own sakes, but because they believed it would be a protection to their friends and neighbours. They were well aware of his sentiments with respect to the ballot when they gave him their votes; and he felt perfectly satisfied that they would give him credit for the honesty of his principles at least, in venturing as he did now to declare that he was not a convert to the necessity of the ballot, and that, so far from believing it would deliver the people from a state of serfdom, he believed it would increase bribery and demoralisation to such an extent as would be positively frightful to contemplate. Allusion had been made to the advantage of the ballot in the clubs. But, for his part, he confessed that a large portion of his objections to the ballot were the result of the ill feeling he had witnessed in clubs in cases of blackballing. He had seen so much mischief arise from it, that even in those cases where, through the honour of the scrutineers and members, perfect secrecy was observed, he had come to the conclusion that the system had better be abolished. He was rather surprised to hear the secrecy of the ballot assumed as a matter of necessity. In proof, however, of the fact that it did not secure secrecy, he might refer to that country which had already been referred to so often, and in which the ballot had been in operation for the greatest length of time. He did not believe that secrecy ever had been or ever would be obtained by means of the ballot; for he found that in Massachusetts, one of the oldest States of the American Union, the Legislature appointed a Committee last year with the express object of considering in what manner they could secure secrecy under the ballot. And, surely, with such an example as that before him, he might be allowed to doubt whether that secrecy which was assumed as inseparable from the ballot really did exist. With regard to the ballot as a cure for bribery, he thought he heard the hon. Member for Montrose (Mr. Hume) say not long ago, that he did not believe it would diminish bribery in small constituencies, at least; and if it would not diminish bribery in small constituencies, then he (Mr. Barrow) wanted to know how it was likely to do so in large constituencies, because a large constituency was, after all, only an aggregate or mass of small constituencies, and bribery might be carried on in one as well as in the other. Upon this point too, he would again refer to America, where the Legislature of the State of New York had declared that bribery had increased, and was carried to a fearful extent under the ballot, and that it was necessary to take steps for providing a remedy. Being convinced then that neither intimidation nor bribery had diminished under the operation of the ballot, he must frankly admit that he was still opposed to the measure. He believed it would be productive of an amount of hypocrisy and demoralisation perfectly frightful to contemplate; and that the best remedy for the evils complained of would consist in elevating the moral tone of the people, and allowing them to record their independent votes freely and conscientiously in the open light of day, "owning subjection to no human vassalage, save to their Queen and the law."

Sir BENJAMIN HALL said, he was quite willing to admit that the hon. Gentleman who had just sat down was a remarkable instance of the people having exercised their own will against the influence of the aristocracy. But let the House recollect the circumstances which took place just prior to that election. The tenant-farmers, who felt strongly in favour of protection, and who not trusting, perhaps, the aristocracy of the country, were determined to bring forward some man themselves for the purpose of carrying out that object; and they chose the hon. Gentleman who now represented them, though it did not appear that the hon. Gentleman had done anything, or had a wish to do anything, in furtherance of that object for which he was specially elected by the tenant farmers. When the election to which he had referred took place, the noble Dukes and noble Lords in that county, by their agents, brought up their tenants to the poll just as they would have driven a flock of sheep. ["Oh, oh!"] He said it was a fact, and if they looked in the papers of that day they would see it stated; nay more, the agents of the landed proprietors were present at the poll to see how the tenants voted. But although the yeomen of South Nottinghamshire came forward on that occasion and defeated the aristocracy, that was no reason why voters in other parts of the country should not have the protection of the ballot. It was said that they must elevate the tone and feeling of the people. That was a very fine phrase, always brought forward on these occasions. Why, they knew very well that when an election took place, men of high character, or rather of high station, went round to tradesmen, and said, "You must vote for this person or that." There was scarcely a tradesman in Regent-street or Bond-street who was not canvassed in this way by his customers. Intimidation, however, was by no means confined to the aristocracy. There was an election now going on in the north part of the country; Millowners had been canvassing the small tradesmen, who were almost compelled to vote in favour of the millowners; and what was the result? Why, that the lower classes had banded together, and had gone round to the tradesmen and said, "You shall vote for our candidate." And these persons were in that unfortunate condition that they did not know whether to oblige the millowner or the lower classes. He thought this was a case for the ballot. The hon. Member (Mr. H. Berkeley) had enumerated several boroughs which, he said, were guilty of corruption, and to his (Sir B. Hall's) great surprise, the borough of Marylebone was in that list. The hon. Member had, however, said that corruption existed there many years ago. Now all he (Sir B. Hall) could say was, that he had represented that district of the Metropolis for fifteen years, and he could safely assert that the hon. Member must be in error; and it was a fact that the return of the two Members at the dissolution previous to his own first election for that borough, did not cost more than 300*l*. It was ridiculous to suppose that bribery could take effect in a constituency of nearly 400,000 people and 20,000 electors; and not all the wealth of the Rothschilds and the Barings combined could effect a return in that constituency by bribery. It was said that the ballot created disorder in America. The disorder did not arise from the ballot, but because the elections were not properly conducted. As a proof of this, he might mention that they had an annual parochial election by ballot in three of the largest parishes in the metropolis, namely, in St. George's, which was rated at 800,000*l.*; Marylebone, which was rated at 1,000,000*l.*; and St. Pancras, which was rated at 800,000*l.* These parishes had a population of 500,000, and the number of ratepayers varied from 15,000 to 19,000 in each. Now, the greatest order, regularity, and tranquillity prevailed at these elections; and though they were not second even to the Parliamentary elections, not a policeman was present. These elections take place annually in the month of May, and it would be well worth while for those Members who doubted the efficiency of the ballot to witness those elections. He would not further take up the time of the House on this subject, particularly as the next Motion on the paper was intimately connected with the present one, and he was anxious that it should be discussed before a dissolution took place, in order that the constituencies of the country might know the feelings and opinions of hon. Members with regard to the three great questions brought forward: the one by his hon. Friend (Mr. Hume); the other that which they were now discussing; and the Motion of the hon. Member for East Surrey (Mr. Locke King), which stood next.

Mr. W. WILLIAMS said, that there were 214 boroughs, with 161,500 voters, which returned 329 Members to that House, being a majority of the entire number. The two great parties who contended for power in this country were so nicely balanced, that it depended on the amount of money spent at elections which of them held the reins of Government. The Committee of 1835 stated in their Report that bribery, corruption, intimidation, and coercion prevailed to an enormous extent at the preceding election. The Committee of 1841 stated in their Report that 8,300*l.* was spent at the Harwich election, though only 178 persons voted: and that 16,000*l.* was spent in Nottingham, though only 673 persons voted. The remedy for this state of things was the ballot. He had been in America, and was present during the election of General Harrison, which was conducted with the greatest propriety; and notwithstanding the observations of the hon. Gentleman (Mr. Barrow), he defied the hon. Gentleman to produce an instance where any of the thirty-one States of the American Union had complained of the ill working of the system. The people of America had this advantage of the ballot, for whilst the cost of Government in this country was 26,000,000*l.*, in America it was only 6,500,000*l.* These were facts which proved incontestably the value of the ballot.

Mr. BAILLIE COCHRANE said, it had been the practice, when great innovations were proposed in the institutions of the country, to introduce an imaginary foreigner to the contemplation of things as they existed. The noble Lord opposite (Lord J. Russell), when he proposed the Reform Bill, introduced this fictitious gentleman into the country, and conducted him round to Old Sarum, Gatton, and East Retford; and, as the hon. Gentleman who brought on the present Motion, in accordsnce with custom, had introduced this distinguished foreigner during the general elections, he (Mr. B. Cochrane) thought that if a foreigner came amongst us to be initiated into the mysteries of our elections, he would certainly need a *cicerone*, and under all the circumstances, he imagined that the best *cicerone* he could have would be Mr. Coppock. But now, to come to the real question, what would hon. Gentlemen say if they had what he might call reciprocity of the ballot? What would be said if they, the Members of the House of Commons, were to give their votes by ballot? He had heard of such a thing as pledges which some of the constituencies were in the habit of exacting—strong and binding — from the candidate upon the hustings, as to the course which he meant to follow. Whatever the distinguished foreigner might think of such pledges, in case the system of secret voting were introduced into the House, he rather thought the people would not be disposed to concur in the views expressed by the hon. Gentleman (Mr. H. Berkeley) of the advantages of the ballot. The hon. Gentleman, upon this subject, referred to America—so often referred to, on many subjects, by the Gentlemen on the other side of the House. He wished now to point out one great difference between the use of the ballot in America and this country, which had hitherto escaped observation; he wished to remind them that America was a republic, and we had the happiness to live under a Constitutional Monarchy. If the hon. Gentlemen opposite wished to see the result of the difference as it affected the Parliaments of the two countries, and who eulogised the American system so much, he would recommend the perusal of what appeared in the papers the other day relative to a pleasant conversation which had lately occurred in Congress between a Mr. Brown and a Mr. Wilcox—not the hon. Member for Southampton. He would not go through the details of the scene, but it was concluded by Mr. Brown calling Mr. Wilcox "a vagabond," and swearing that "he would knock his head of." But another circumstance deserving attention with regard to America, was, that in order to have permission to propose any essential change in the Constitution, it was necessary to obtain the consent of a majority of two-thirds of the States; and that, even when proposed, yet, in order to its being carried into effect, a majority of three-fourths of the States was required; whereas all that was necessary in this country was a bare majority. But, when they referred to France, he asked the Gentlemen of the Manchester school whether they were satisfied with the result of universal suffrage in that country, or with the proceedings of the 2nd of December, and the Constitution proposed for that country? If they were satisfied with the operation of universal suffrage and the ballot in that country, they must remember that they had been established there ever since 1793. But if he were to describe the effects of the ballot on those who wish to use it, he would seek no other than the language of a right hon. Gentleman, he meant the right hon. Member for Ripon (Sir J. Graham). He would quote his opinion, not, indeed, his present opinion, but his former opinion of the ballot when the subject was brought on by Mr. Ward, in 1842. The right hon. Gentleman said—

> "The whole system of secret voting was inconsistent with the English character. If he be an honest man and a firm friend, he will not want the ballot—if he skulks, he will not avail himself of it. The only persons to whom the ballot would be valuable, would be dirty and hypocritical cowards." [3 *Hansard*, lxiv. 404.]

He thought he had heard of the right hon. Gentleman at Carlisle, very lately, when he made a speech not precisely in favour of the ballot, but of a nature such as convinced him he saw the dawn of a different opinion upon this important question. Well; the right hon. Gentlemen went on—

> "Those dirty, hypocritical cowards—men whose faces belie their purpose—men who pretend to be your friends only to deceive and betray you—who flatter you with vain hopes of support which they have no intention to realise—men who talk of intimidation, but seek the opportunity of gratifying their sordid envy, their revenge, and that bitter hatred which, combined with their cowardice, mark them as the most contemptible of mankind. Those are the men who demand a measure that is a mere recipe—
>
> "To lend to lies the confidence of truth."
>
> [3 *Hansard*, lxiv. 404.]

One could not possibly improve upon that language, and he confessed his objections to the ballot were precisely those of the right hon. Gentleman. They could not prevent, they might as well think of preventing, the east wind blowing at this time of the year, as of preventing the influence of the proprietors over their tenants; yet, by introducing the ballot, they might succeed in making them false and hypocritical; men who made a show openly of voting otherwise than they did, and, consequently were "contemptible cowards." He would also remind the House of the opinion of a right hon. Gentleman who was one of its ornaments, but was now no more, yet he must say he quoted his opinion with awe. The late Mr. Sheil, in 1842, in speaking upon the question, after admitting that men would go to the poll and break their promise, said of that conduct, it was yet a principle to be upheld under the circumstances. That was the doctrine of Mr. Sheil, and he must confess he could go no such length with him. But if that was the effect of the ballot, let them consider what a principle they were introducing into the country, what an amount of demoralisation—on the ground of which he ventured to charge the proposal as one that was most vicious. Yet they were going to introduce it to give men an opportunity of making promises and of breaking them. But why, he asked, was the subject not introduced by the noble Lord the Member for the City of London into his late Reform Bill? He confessed he was not convinced in his own mind that the noble Lord would not yet support it; and he was upheld in that view of his intellect and consistency by a friend of the noble Lord's Government, who in a late publication had described the Whigs out of power as demagogues, and in power as oligarchs. He looked upon this as one of the most objectionable measures that could be brought forward. It was no use going back to discuss theories, and point out anomalies which were to be found in all the writings of all the Socialists, from Robespierre downwards. He preferred pointing to history, both as it referred to this country and to other countries, such as France, and when he found that no one could compare this country with that without feeling a doubt upon such a question as this, that doubt led him to arrest, if possible, the progress of this popular Motion, which, if carried into effect, would be of the greatest detriment to the best interests of this country.

Mr. COBDEN said, he would promise to be very brief on a subject which had been more nearly exhausted in argument than any proposition which had ever been brought before that House. It was an undoubted historical fact that Mr. Grote, in the course of his remarks on the ballot, brought to it an amount of logical power and mental acumen which gave to his advocacy the character of an intellectual triumph. He did not intend, therefore, to expose the fallacies of the hon. Gentleman who had just sat down. He did not intend to point out to him the difference between a Member of Parliament who came there voluntarily to represent the opinions of others, having his votes made public—and the votes of the electors who nominated him, being made public: that had been abundantly proved before. Nor should he go into the discussion of the right hon. Chancellor of the Exchequer's thousand-time refuted objection, that if you gave the ballot to a limited constituency, you constituted that constituency an oligarchy. That had been met with this unanswerable argument: if you think that the unenfranchised are fit to lead the enfranchised, and to dictate how they shall vote, then give the unenfranchised votes themselves. Those who urged this objection, were the very people who would not do that. In the intellectual mode of dealing with it, this question had been triumphantly settled; but, he thought, there were moral aspects of the question which might be better argued then, than they could be when Mr. Grote dealt with it seventeen years ago. They had had opportunities of witnessing the efficacy of the ballot in the elections of a neighbouring country, carried on under the most exciting circumstances, and these showed what an immense gain the ballot would be to this country, by putting an end to the frightful demoralisation and violence which were seen at almost every one of our own elections. Now, he said, the example of France at their own door, upon this view of the question—it was only a very limited view of the question, but it was its moral aspect—the example of France was conclusive. They had had 6,000,000 of people in France all voting in one day, they had had three or four general elections all over France with universal suffrage, and under the most exciting circumstances, and he said, without the slightest fear of contradiction, that there had been less of tumult, of violence, and of discord at the polling in France—[*Ironical cheers*]—yes, he repeated it, but hon. Gentlemen, probably, had not read the newspapers. These general elections in France, he said, had been carried on without a tumult at any of the polling places. Now, he asked the House to consider what had been the condition of things in our own country? Why, if he went back only for a year or two, he could point out half-a-dozen little polling places where very different scenes had been witnessed. Take, for instance, the Isle of Wight, where the last county election resulted in the death of a respectable individual. He went to Boston, and what did he see there? An hon. Gentleman imprisoned by the mob in his own house, and not able to get to his dinner. At Harwich, again, the hustings were pulled down; and the other day, at Enniskillen, where there were only about 150 voters to poll, the police had to charge the mob with drawn sabres. These were only a few specimens of what occurred at the elections of even the smallest constituencies. They had been directed to the working of the ballot in the United States, and mention had been made of America—a tumult in New York. What did the right hon. Gentleman the Chancellor of the Exchequer say when he mentioned that fact? Why, that a newspaper of New York—not the *Courier and Enquirer*, a newspaper read by the wealthy classes, but the *New York Tribune*, which was read by the masses—the very paper, too, from which he quoted—was so horrified at the fact of there being any violence or tumult, that it declared that those who thus interfered with the most sacred rights of American citizens ought to be shot down down like dogs. Was that the kind of language which such proceedings called forth here? Why, Boston and Harwich were laughed at, Enniskillen did not excite a remark, and, instead of having one governor to censure his fellow-citizens for having committed such outrages, they had a hundred Acts of Parliament to put down bribery; and at that moment they had a Bill passing through the House, the object of which was to erect a distinct tribunal for the trial of future cases of corruption. Against all this they had only the isolated fact which he had mentioned. Now he said that the effect of the ballot would be this. It would repress all those outward demonstrations of opinion which led to these collisions in public meetings; it would put an end to their flags and banners, and ribbons and brass bands, and general disorder. He ventured to say that that was the view of the question which was now sinking into the public mind. And the reason why the ballot had gained ground in this country during the last few years was this—the friends of order, the lovers of temperance, those who wished to see moral power prevail over brute force—had come to the conclusion that in the ballot they would find a remedy for the evils and abuses which had so long disgraced our elections, particularly on the nomination day and the polling day. But another question was raised now, namely, whether the ballot would be effectual? It was stated that in New York it had not been effectual. It was true that in America, in former times at least, such was the equal condition of the great body of the people, that every little pressure was put by one person on another in order to coerce him to vote in conformity with his wishes, and that the people were very indifferent as to whether their votes were concealed or not. But he could tell the right hon. Gentleman (the Chancellor of the Exchequer) that a very effectual remedy had been provided for this defect in the mode of voting. Two years ago the Legislature of Massachusetts—not only one of the oldest, but in every respect one of the most moral, intelligent, and religious communities in the United States, or in the whole world—appointed a Committee to devise means for making the ballot more effectual. Did the Committee contemplate giving up the ballot in order to adopt open voting? No. He held in his hand the Report of the Committee, and also the text of the Act of the Legislature for carrying into effect the recommendation of the Committee. It was observed that the right of suffrage was the most sacred of all political rights, and should be most carefully guarded—if a juryman required to be free from all abuses, and to act without favour, fear, or affection—the same thing was requisite in the case of the voter, and the ballot was the surest safeguard of public liberty. The plan recommended by the Committee was this: That the Government should provide adhesive envelopes of a certain form for all the electors; that those envelopes should be given to the electors on application at the proper offices; that the voter, after writing or taking a printed ticket, with the names of the candidates for whom he wished to vote, should place it in the envelope, seal the envelope, and deposit the envelope in the box in the presence of officers appointed for the purpose. Now, this was a perfect security for secrecy, if the voter wished to be secret, and it was at the same time a perfect security against fraud. All the officers had to do was to see that the voter placed one envelope in the ballot box. If he deposited more than one, or if there were any attempt at fraud, it would be discovered when the votes were counted, and that vote would be cancelled. No one need be under the apprehension that such a system would not be effectual; and he admitted that in this country it would be absolutely necessary to take precautions. It was formerly a part of the law of Massachusetts that the electors should deposit their votes openly. The consequence was, that any one who liked could see for whom parties voted, and could tell how the poll was going on. It was found, too, that under that system, many parties were able to coerce their servants, or others who were dependent upon them; and no doubt that would be the case in this country if the same mode of voting were adopted. In fact, he held in his hand a proof furnished by a distinguished statesman of the present day, who held a most important post, that the landlords of this country were not very scrupulous about exercising their power, and they could do so in spite of the ballot unless care were taken to render it effectual. He would read an extract from a speech delivered by the Earl of Derby, then Lord Stanley, in that House, on the 2nd of June, 1835, showing what was the idea of a landlord in this country as to the right to coerce his tenant. Lord Stanley said—

> "If we had the ballot, I would say, as an English landlord, I would not only see whether the elector dependent on me voted, but I would see him put the ticket into the balloting urn. I do not mean to say that this would be a desirable course of proceeding, or a course which ought to be adopted by landlords, unless forced to it by expediency; but I, as a landlord, should be driven to that expediency, if the ballot were employed, in order to satisfy myself."—[3 *Hansard*, xxviii. 458.]

Now he (Mr. Cobden) must say that he thought a more unabashed act of despotism than that—a more scandalous outrage on the rights of citizens, there could not be. That a landlord, forsooth, because he inherited certain acres upon which men of skill and intelligence were employed in producing what was essential to human existence—that he should coerce these men, probably as intelligent as himself, as honest as himself, as competent as himself to exercise the suffrage, appeared to him most extraordinary; and yet, in spite of this declaration, the Earl of Derby was at that moment at the head of the farmer's friends. The system adopted in Massachusetts would, however, protect the farmers from the prying eyes of the Earl of Derby or any other landlord. He must say that he had seen other sentiments of the Earl of Derby which in themselves would justify the adoption of the ballot. On another occasion the noble Lord distinctly told them that he considered the tenantry to be the political capital of the landlord. [*Cheers.*] Yes, he begged hon. Gentlemen opposite to listen to this, and let them answer it if they could. It was the business of the right hon. Gentleman the Chancellor of the Exchequer to answer it, for the sake of the character of his leader. On the 22nd of February, 1841, Lord Stanley, speaking on the Parliamentary Voters Bill, said—

> "It is a matter of pride and satisfaction to the landlords of England that their tenants usually feel a desire to comply with the landlords' wishes. I neither seek to deny nor to apologise for it, while I condemn the exorbitant or undue exercise of the power; for if it were pushed to the extreme, it is known that when any man attempted to estimate the probable result of a county election, it is ascertained by calculating the number of large landed proprietors in the county, and weighing the number of occupiers under them."—[3 *Hansard*, lvi. 806.]

Well, but did the House think it right that a body of men, numbering upwards of 100,000, and carrying on the operations of farming, should be altogether deprived of their political rights, and that in making them electors, the Legislature should, in fact, be giving a bundle of faggot votes to the landlords? If any hon. Gentlemen opposite had any faith in the farmers, they ought to be the first to protect them against such compulsion. Now, he would tell the House candidly that he did not think they would find a body of electors in this country who would be willing to subject themselves to the humiliating farce, fraud, and deception of being supposed to possess political power, while, in fact, they were not free to exercise it. If the farmers were so lost to all sense of British pride that they would consent to occupy that position, he would tell them candidly that the operatives of this country would not do so. He was now going to mention a fact, which was, he thought, as honourable to the operatives of this country as anything he had ever heard. On the occasion of the introduction of the late Reform Bill, a considerable amount of discussion arose in the manufacturing districts. It was proposed to create a franchise of *5l.* Now, they all knew that in the manufacturing towns of Lancashire and Yorkshire that would extend the franchise threefold, and would give a vote to a very large proportion of the operatives employed in the mills and in other establishments in those counties. Well, this naturally caused, as he had said, considerable discussion amongst that class of persons. But what was the result? A crowded public meeting was held in Stockport, and those who were present passed an unanimous vote, that if they could not have the protection of the ballot, they would not have the franchise. They did so on this principle—[*Cheers from the Ministerial benches*]—well, nothing puzzled him so much sometimes as to understand what was the triumph which hon. Gentlemen opposite obtained when they cheered so much—he thought these parties were quite right, and for this reason, that what he had just been saying of landlords might probably be suspected to be true with regard to a good many millowners. Well, but he stood there—he had said this in the face of a large body of millowners in Manchester—he stood there to protect people who had votes against influence of all kinds—against all undue and coercive influence, whether it was that of landowners, that of millowners, that of customers, that of priests, or that of mobs; in all cases he was for protecting the voter. These operatives were right in saying, as they did, that if they only gave them the vote, parties might go to Bolton or to Stockport, find out the tall chimnies, and allot the votes to the owners, as was done by the Earl of Derby in the case of land. There were employed in these manufactories men of all descriptions of opinions, both political and religious. A candidate comes forward who has been an advocate of the Bill against Papal aggression, who denounces the Maynooth grant, and stands upon the No-Popery cry. Well, there are some honest Roman Catholics working in a mill belonging to an anti-Popery gentleman—he insists that all his men shall vote for the No-Popery candidate—the man then risks the loss of his employment, and the bread of his children, unless he violates the dearest rights of his conscience. Another man may be one of that numerous and respectable body in Lancashire and Yorkshire, the teetotallers. There may be some of these men working in a mill of a man who has no objection to gin, and who is supporting a candidate who deluges the borough with drink, and who insists upon his workpeople supporting a man whom they believe to be demoralising the community, and outraging what they consider to be the best interests and rights of their fellow-workmen. They say, "Before we will be subject to coercion like that, we will refuse to have a vote;" and I honour them for it. And this is a difficulty that the noble Lord (Lord John Russell) will encounter, not merely in Stockport, but there will be the same in Blackburn, in Halifax, Huddersfield, Bolton, and Wigan, and all towns of that description. It will not be experienced so much in Manchester or Leeds, because there you have a large middle class of shopkeepers, and there is a mercantile community. But in the description of manufacturing towns to which I have referred, to give the franchise without giving the ballot would be an unmitigated curse to a part of the population. And as at present advised, looking to that view of the question, he would vote against any extension of the franchise, such as had been proposed, unless he thought it was certain to lead to the ballot. Let not hon. Gentlemen opposite commit themselves on this question. They were now going through that terrible process of acting against all they had been saying and voting for years, as recorded in *Hansard* against them. For two months they had now been compelled to act in opposition to all they had been saying on the question of protection during their lifetime; and within a few months more they would be obliged to renounce as heretical what they had hitherto held as a prime article of their political creed. Argument had already decided this question: let the Government not commit themselves against it. The moral aspect of the question would carry it; and then they would be in the same dilemma as they were now with regard to protection. Let them only wait till the general election, if they dared dissolve on the bread question, but he strongly suspected they were trying to shuffle out of it. He would not believe that they would dissolve Parliament on the bread question till he saw the writs issued; and he understood something had been said in the other House that night, showing that they had not got to the end of their evasions and trickery yet. But he hoped there was spirit enough in that House—if not, he was sure there was in the country—to bring them to book on that question. What awaited them? Suppose they were to dissolve on this most exciting question—this question of the cupboard, the bread-basket, the sugar-basin—there would be no tumult in Manchester, or Glasgow, or Birmingham, or the West Riding of Yorkshire, with its 1,200,000 inhabitants, and its 800,000 of rural population. ["Hear, hear!"] For the Chancellor of the Exchequer had informed the House a few days ago that he represented 800,000 of the rural population. But in those points where the two opinions came into collision, there would be such scenes as had never taken place at any former election. The result would be, they should come up to Parliament with a certain prospect of a short-lived Parliament; and immediately on their assembling, that would take place which had been pointed out by Mr. Grote as always occurring after an election—there would be thousands of petitions for the ballot, whilst the wounds were green, and the sufferings of the people were fresh in their memory. The whole reform party would throw itself on this question; they would never leave it; and no Government would be able to carry on that did not adopt that proposition. Let hon. Members, therefore, not put themselves in a false position. He would advise them not to do it, especially the young men. Old men only changed upon compulsion; but he entreated hon. Gentlemen, if they could not give an honest vote on this occasion, to avoid voting at all. This would soon be like the protection question, one on which there would be very little difference of opinion.

Captain SCOBELL said, he would only detain the House a short time. The hon. Member for Bridport (Mr. B. Cochrane) had referred to the Chancellor of the Exchequer's speech, in which he had referred to what had occurred in New York between two representatives at Washington. The hon. Gentleman did not see he was playing with edge tools. There were a great many points in that hon. Gentleman's speech which ought to be set right, if the House would allow him only five minutes more. He represented a constituency which sighed—which longed for the ballot. And, therefore, in fairness, the House ought to give him a few minutes. He would remind the hon. Member for Bridport, who had cast reflections on the right hon. Gentleman the Member for Ripon (Sir J. Graham), that "they should not throw stones who lived in glass houses." If he was not misinformed, that hon. Gentleman had on one occasion advocated the ballot on the hustings.

MR. WALPOLE: Sir, the hon. Member for the West Riding (Mr. Cobden), in arguing this question with his usual ability, has rested his support of the ballot on two grounds. The hon. Member did not condescend to discuss the question in its political bearings, but invited us to look at it in its moral aspect; and, viewing in it that light, he contended that the introduction of the ballot would prevent certain evils, and elevate and improve the moral condition of the people. Now, I think, Sir, I shall be able to show that the ballot, instead of preventing the evils to which the hon. Member has referred, might possibly leave them as they are, but would more probably augment them; and that, instead of advancing morality, it would be very detrimental to it. Before entering upon this part of the subject I will take the liberty of referring to two observations which fell from the hon. Member in the course of his speech. The hon. Member declared that the extension of the franchise, for which he is so anxious, would be an unmitigated evil, unless it were accompanied by the ballot. I trust the Members of this House will bear this declaration in mind when they come to give their votes upon the next question which will be submitted to their consideration. It is for leave to bring in a Bill "to make the franchise and procedure at elections in the counties in England and Wales the same as in the boroughs, by giving the right of voting to all occupiers of tenements of the annual value of 10*l.*" Seeing, then, that in the opinion of the hon. Member the extension of the franchise without the ballot would be an unmitigated evil, if the House, as I trust it will, should reject the present Motion, I think I am entitled to claim the vote of the hon. Member against the Motion of his hon. Friend which follows. The other passage of the hon. Member's speech to which I am about to refer, I cannot pass over so lightly, and indeed he must permit me to say that it was not worthy of him, because it was not an accurate representation of the words of the noble Lord at the head of the Government. The words which the hon. Member used were very remarkable; he said, that the noble Lord at the head of the Government had made use of the expression, that the landlords of England looked on their tenantry as political cattle. [Mr. COBDEN: No, I did not.] I believe I am not misstating what the hon. Member said. [Mr. COBDEN: I read a quotation from the Earl of Derby's speech.] I believe the words which the hon. Member attributed to the Earl of Derby were, that the tenants of England were the political cattle of their landlords.

MR. COBDEN: I did not say so. The right hon. Gentleman is only wasting his own time and ours in arguing on an unfounded hypothesis. I quoted the Earl of Derby's words from *Hansard*, and I said, after some other remarks interspersed, that he claimed the tenants as his political capital.

MR. WALPOLE: I should be very sorry to misrepresent the hon. Member. [Mr. COBDEN: "Capital" is an American phrase.] The hon. Member shall not put me out by these interruptions. That the hon. Member used the words I have stated, and in the manner I have stated, I firmly believe, because they were taken down at the time. If not, let him retract them. The hon. Member unquestionably went on to quote the exact language used by the noble Lord at the head of the Government; but does that language contain the expression attributed to the noble Lord by the hon. Member? On the contrary, it pointed to this, that the occupying tenantry of counties and the landlords of counties entertained feelings of mutual regard and goodwill towards each other, and in that way landlords exercised influence over their tenants. That was the effect of the passage quoted by the hon. Member, and it contained nothing to justify him in asserting that the Earl of Derby said, or ever intended to say, that the farmers of England were the political capital of their landlords. Having corrected what I think an unfortunate misrepresentation, I will now advert to the two principal arguments of the hon. Member in favour of the proposition before the House. The hon. Member said that the ballot would prevent bribery, and also the influence exercised by employers over the employed, and landlords over tenants. I deny *in toto* that the ballot would have those effects, and for these reasons: In the first place, it is admitted that the ballot can only produce these results by means of absolute secrecy. Now, when hon. Members assimilate the ballot used in political elections with the ballot used in private clubs, they forget that in the one case the voters having personal considerations to deal with, conceal the manner in which they vote, while, in the other case, that of the political election, men's political opinions are usually well known, and it would be impossible therefore that the requisite secrecy could be observed. That, I think, is a complete answer to the statement, that undue influence would be prevented by the use of the ballot. We all know that much canvassing takes place before an election as to this or that person's political opinions. The feelings and intentions of voters would be collected at public-houses, clubs, and other associations. It is said that if a shopkeeper does not vote as his customers wish him, he is deprived of their custom, and that if a farmer votes against the desire of his landlord, he is ejected from his farm; but introduce the ballot, and the only difference would be, that, instead of these things taking place in consequence of what is known, they will take place on suspicion. Again, it is said that the ballot will prevent bribery. The example given by my right hon. Friend the Chancellor of the Exchequer the other night of the working of the ballot in New York, is, to my mind a conclusive answer to that assertion. [An Hon. MEMBER: No!] The hon. Member who says "No" could not have been in the House when the hon. Mover, in his able and temperate speech, read a letter from an American gentleman, which began by admitting that the observations of the right hon. Chancellor of the Exchequer were substantially correct.

MR. HENRY BERKELEY: The statement of facts, not the inferences drawn from them.

MR. WALPOLE: The hon. Member's American correspondent admits the right hon. Chancellor of the Exchequer's statement of facts to be correct, but denies his inference. Then I put aside the inference drawn by the Chancellor of the Exchequer, as well as that drawn by the American, and I leave the House of Commons to draw its own inference from the statement of facts admitted to be correct. The New York case appears to me a complete answer to the assumption that the ballot would prevent bribery. Then, if it will not prevent bribery, I ask those who maintain that inviolable secrecy can be maintained under the system, how can bribery be punished—how can it be detected? Suppose an election to run very close, and to be determined by one or two votes, if corruption be practised ever so extensively on this occasion, how will you be able to detect and punish it if votes be taken by means of the ballot? Look at the elections recently in France under the ballot, where so many votes were enumerated—more than could actually be given—that it was wittily remarked by an able writer in this country—that that was the first practical illustration of two negatives making an affirmative. Supposing the ballot were introduced, how could you obtain proof of frauds committed, and how could you do justice to the party who ought to be the representative, should the election run close, and should votes have been given fraudulently against him? But I own that there is another reason, in a moral aspect, which makes me more anxious to resist the introduction of the ballot. Now, I broadly contend that in this country, whenever a person is empowered to exercise any trust whatever, he ought to exercise it under the influence and control of public opinion. There is no reason why the voter should be more irresponsible than the representative to that high tribunal. Nay, more, the regresentative has as much right to ask what are the opinions of the constituents he represents as the constituents have the right to ask in what way the representative exercises his duty within these walls in pursuance of the choice those constituents have made. I think, too, that the observations which fell from the hon. Member for Bridport (Mr. B. Cochrane), quoting the speech of the right hon. Baronet the Member for Ripon (Sir J. Graham), are not entirely to be forgotten; and, though those observations are somewhat stronger than any I am inclined to use—though I should not be tempted to state that everybody must be a scoundrel and hypocrite when he exercises the franchise by the ballot, yet I say that this practice may have, in a moral aspect, a material influence on the character of the people, for the opportunity of concealment will give the opportunity for fraud, and for the indulgence of malicious and revengeful feelings, which could not be attended with advantage to the country. Hon. Gentlemen who were in this House at a former period, when great debates took place on this subject, may recollect the pointed quotation made by the late Sir Robert Peel, when he adverted to the effect of the ballot on the people of Rome. He quoted that admirable passage from Pliny descriptive of the Roman voter, who had lost all sense of dignity and all consciousness of right or wrong when exercising the franchise contrary to the pledge he had given or intimated: — *Tabellas poposcit, stilum accepit, fidem abjecit, caput demisit, neminem veretur, se contemnit.* In a moral aspect, I maintain that the ballot would be found seriously detrimental to the character of the people of this country; and my firm belief is that, though by the introduction of the ballot you may by possibility prevent some undue influence of bad over good, yet you will not allow that legitimate influence to have the operation which it ought always to have—the influence of good over bad.

LORD DUDLEY STUART thought it was high time that our representative system ought to be placed upon a more just basis, in order that the democracy might be relieved from the burthens imposed upon them by the aristocracy. Hon. Gentleman spoke of that House being the representative of the people of England, but it was no such thing; it was merely a representative of the landowners, landlords, millowners, and rich men, who did not represent the people. Whenever a man went to the hustings to give his vote, he felt what a gross deception he was obliged to endure; he knew that he could not freely exercise the franchise; he was compelled to vote for red or white as some rich man might dictate. In times past he (Lord D. Stuart) was opposed to the ballot, and, in fact, had voted against it in that House. That was immediately after the Reform Bill. He thought it only just that that Bill should be fairly tried before they decided on the introduction of the ballot system of voting. At that time (1833–34) an address was submitted to those whom he had the honour to represent, advocating in the strongest terms the necessity for an immediate enactment of the ballot and triennial Parliaments, and to that address was appended the name of Benjamin Disraeli. It was of course quite open to the right hon. Gentleman to change his opinions, as indeed he (Lord D. Stuart) had himself done upon this subject, but they had come to very opposite conclusions upon the question. Probably at that time the right hon. Gentleman was sowing his wild oats, a species of grain which he (Lord D. Stuart) supposed was to pay no duty. Now, after a long experience of the workings of the Reform Bill, he (Lord D. Stuart) found that bribery and intimidation still prevailed at the elections in this country. Some remedy, therefore, ought to be proposed. He believed the ballot would be found to be such. It was said that bribery and corruption could not be prevented by the ballot. Most likely not; but if it would go a great way in that direction, it would prove to be as efficacious as some of our laws against burglary or other crimes. If the right hon. Gentleman's arguments were good for anything, we should be acting wisely if we discharged our police force, because they did not succeed in effectually removing robbery and other crime. Was it not worth while to try to check or mitigate the evils of bribery, corruption, and intimidation? The right hon. Gentleman the Chancellor of the Exchequer had said the other night that an extension of education was the most effectual way to prevent bribery and corruption at elections; but he (Lord D. Stuart) might make the same objection to that plan which the right hon. Gentleman did to that of the ballot, namely, that it could not effectually, although it might in great measure, remove the evils complained of. If the ballot were adopted, he believed it would tend to elevate the community more than any other measure which could be adopted. There could be no doubt but that the ballot was now the favourite question of the people; and the settled and determined demand of the nation must, in a free country like this, be complied with. He believed the ballot was founded upon truth and justice, and felt satisfied that, so far from promoting demoralisation, it would promote morality among the upper as well as among the lower classes. He would sit down, expressing a sentiment which had been enunciated by the noble Earl at the head of the Government on a former occasion:—

> "God forbid (said the noble Earl) I should not have sufficient trust in the wisdom of the country, judging not from the mob, but from the opinion of the nation, to prevent me from repairing our institutions, and declaring against the necessity of a change which few men deny—from complying with the demands of the people—which there was danger in delaying compliance with, and which must finally succeed."

Question put.

The House *divided*:—Ayes 144; Noes 246: Majority 102.

List of the AYES.

Adair, H. E.
Alcock, T.
Anstey, T. C.
Armstrong, R. B.

Barron, Sir H. W.
Bass, M. T.
Berkeley, C. L. G.
Bernal, R.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brown, W.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Collins, W.
Corbally, M. E.
Davie, Sir H. R. F.
Dawes, E.
Dawson, hon. T. V.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Ellis, J.
Enfield, Visct.
Evans, Sir De L.
Evans, W.
Ewart, W.
Ferguson, Col.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Granger, T. C.
Greene, J.
Grenfell, C. P.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Jackson, W.
Johnstone, J.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Lawless, hon. C.
Locke, J.
Lushington, C.
M'Gregor, J.
Maher, N. V.
Meagher, T.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Martin, J.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Moore, G. H.
Morris, D.
Muntz, G. F.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir T.
O'Connell, M. J.
O'Flaherty, A.
Osborne, R.
Paget, Lord C.
Paget, Lord G.
Pechell, Sir G. B.
Peel, Sir R.
Perfect, R.
Pigott, F.
Pilkington, J.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Romilly, Col.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Shafto, R. D.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Wilcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Wilson, M.
Wood, Sir W. P.
Wyld, J.

TELLERS.

Berkeley, H.
Hall, Sir B.

List of the NOES.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bagot, hon. W.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Birch, Sir T. B.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Broadwood, H.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Campbell, Sir A. I.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marq. of
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Child, S.
Christopher, rt. hon. R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Collins, T.
Compton, H. C.
Conolly, T.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Cubitt, Ald.
Currie, H.
Davies, D. A. S.
Deedes, W.
Denison, J. E.
Disraeli, rt. hon. B.
Dod, J. W.
Douro, Marq. of
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hon. J. W.
Foley, J. H. H.
Forbes, W.
Fox, S. W. L.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Gooch, Sir E. S.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, T.
Grogan, E.
Grosvenor, Earl
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hatchell, rt. hon. J.
Hayes, Sir E.
Heald, J.
Heathcote, Sir G. J.
Heneage, G. H. W.
Heneage, E.
Henley, rt. hon. J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Hutt, W.
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.

Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackie, J.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Martin, C. W.
Masterman, J.
Matheson, Col.
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Moncreif, J.
Moody, C. A.
Morgan, O.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, Col.
Peel, F.
Pennant, hon. Col.
Plowden, W. H. C.
Portal, M.
Pugh, D.
Reid, Gen.
Renton, J. C.
Richards, R.
Rumbold, C. E.
Rushout, Capt
Russell, Lord J.
St. George, C.
Scott, hon. F.
Seymer, H. K.
Seymer, Lord
Sibthorp, Col.
Smith, M. T.
Smollett, A.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, A.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, Col.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Townley, R. G.
Trevor, hon. G. R.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Whiteside, J.
Wigram, L T.
Williams, T. P.
Wodehouse, E.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wynn, H. W. W.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.
Mackenzie, W. F.
Bateson, T.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS.

Wednesday, March 31, 1852.

TENANT RIGHT (IRELAND) BILL.

Order for Second Reading read.

MR. S. CRAWFORD, after presenting 109 petitions from different parts of Ireland in favour of the Bill, moved the Second Reading of it. He said that the principle of the Bill had been so much misrepresented that he felt it necessary to say a few words explanatory of it. He felt a deep responsibility on that occasion, for he stood there—not to carry out any crotchet of his own—not the advocate of any sect or party—but the messenger of a nation. He was entitled to say that he was asking for the second reading of a Bill to the principle of which a nation had assented. The number of petitions which had been presented in favour of the Bill from all parts of Ireland, justified him in making such a statement; and he must say that he could not but feel some pride in the reflection that he was in the remarkable position of presenting to the consideration of the House a measure against which not one single petition had been presented. Regard being had to the singular importance of the question, this was a position which he believed to be almost wholly without precedent. The Bill was introduced so far back as the 13th February, so that ample time had been given for consideration of it. The preamble of it stated, that the practice in Ireland had been to let land to tenants at will, or on short leases, without suitable buildings, and without making allowance to the tenant for any permanent improvement of the soil. That statement was supported by all the evidence brought before the House with regard to the Law of Tenant Right, and by Ferguson and Vance in their collection of Statutes relating to Ireland. It was because the tenant was obliged to erect suitable farm buildings and offices in Ireland that legislation was necessary in order to secure the interest of the tenant. The landlords were not in a position to even make the necessary improvements; and the tenants had to rely on the honour of their landlords for the value of any improvements they might make. In Ireland the land was the principal source of the subsistence of the Irish people. Their existence depended on the application of their labour to the soil, and some fair protection should be given to the Irish occupier for the labour and capital he might expend in improvements. The preamble went on to recite that the custom of Tenant Right had existed in the north of Ireland for many years. The Bill did not provide that the custom should be enforced in other parts of Ireland. It only proposed that in those parts in which the custom prevailed, the valuation should be made according to that custom; but it placed the onus of proving the custom of the district on the tenant. The first clause enacted, that all improvements of the soil or buildings made by the tenant, or inherited by him, by means of which the annual letting value of the fee-simple should have been or should be increased, should be deemed to be the property of the tenant, subject to the regulations afterwards provided for in the Bill. That was the principle of the Bill, the Tenant Right custom being merely an incident of it. The Bill also provided that the value should be assessed according to the custom of Tenant Right where it prevailed, but where there was no such custom, by award. For the security of landlords there were provisions to the effect that no landlord should be required to pay compensation if he was willing to continue occupation to the tenant at the same rent, and that no claim for compensation could be made unless increased value had been given to the farm by the labour and capital of the tenant. There was also a clause which laid down the rules by which the arbitrators were to be guided in their decisions. The principle of the Bill was in strict accordance with the Civil Law and with the Law of Scotland on the subject of improvements made by the tenant. The Tenant Right custom in the north of Ireland had arisen partly from the condition of the plantation of Ulster by James I., and partly by consent from a sense of equity. It had been acknowledged by landlords, and tenants had been permitted to sell their interest, but of late years a considerable depreciation had taken place in the value of the privilege. His object was to make the Law of Ireland similar to the Law of England with reference to Tenant Right, and that when the tenant claimed compensation, the onus of proving that it was the custom of the district, should fall upon him. The Bill would have a retrospective operation; and he should say he could conceive nothing more monstrous than to give compensation for future improvements, and at the same time to throw overboard all improvements that had hitherto been effected. He believed his measure was framed in perfect conformity with the opinions which were alleged to have been put forward by the noble Lord (Lord Naas) the Secretary for Ireland in the speech he had lately addressed to the electors of Coleraine. If that speech had been correctly reported, it would afford a complete groundwork for the present Bill. The noble Lord had expressed a hope that the Government would endeavour to deal with that question, and to "provide compensation for improvements, which he believed to be the object contemplated by Mr. Crawford's Bill." The noble Lord further said that "he should be the first person to support a law which would secure to the industrious tenant and his descendants the money he had laid out on his farm;" and he then proceeded to state that "he could not believe that a law which gave no security or compensation to the tenant was a just one—that a law should be passed which would prevent the landlord from taking advantage of the money laid out by the tenant—that no man should reap where another had sown—and that the object of the Government should be to hold out to the tenant-farmer encouragement to invest his capital and labour in the land." Now he (Mr. Crawford) considered that those principles were identical with those on which his Bill proceeded. It was the business of the House to decide on the principle of the measure on that occasion, when it was proposed that it should be read a second time. If that principle were then sanctioned by the House, he should, if it were thought desirable, be ready to submit the details of the Bill hereafter to the consideration of a Select Committee; and, if the Government should wish to introduce a measure upon the same subject, he could have no objection to postpone the Committee on his Bill until the Government proposal had been brought under the consideration of the House; or he should even be prepared to have both measures referred to a Select Committee. He thought the House should acknowledge that that was a fair proposal on his part. One point which was open to a good deal of consideration was the tribunal to which disputed cases under the Bill should be referred. That was a matter involved in great difficulty, and with respect to which much difference of opinion might be expected to prevail. He proposed that the first step should be taken by arbitration, and that, if arbitration should fail, all claims under 100*l.* should be referred to the assistant barrister and a jury, while all claims for more than 100*l.* should be referred to a Judge of Assize and a jury. But he did not hold himself finally committed to such an arrangement, and he should be prepared to give his best consideration to any other proposal that might be made for the settlement of that point. He would next proceed to advert to some of the other clauses of the Bill. The 10th Clause would provide for the adjustment of all contracts made previously to the repeal of the Corn Laws; and he thought it only fair that contracts made before that great legislative change should be open to a fair revision. But that clause was not essential to the Bill; it was merely an adjunct to it. There were two other clauses to which it was necessary he should refer—he meant the 13th and the 14th Clauses, which had not originally been embodied in the measure, but which were additions to it that he had accepted at the pressing solicitation of gentlemen deeply interested in the question. The 13th Clause would afford security against evictions for a limited period; and the 14th Clause would make provision for an equitable adjustment of arrears of rent. After all they had heard of the manner in which vast numbers of persons in Ireland had been turned out of their homes in sickness, in infancy, and old age, and left to die by the ditches, he did not see how any person, animated by feelings of humanity, could resist a proposal for checking the recurrence of such scenes. But there was also a provision in the measure for rendering the tenant liable to the payment of rent while he remained in possession. He did not regard that question as one which merely affected the interests of landlords and tenants, for in his opinion it affected the interests of the community at large. Land was essential for life, and the application of land should be kept in the hands of the State, which should regulate it with regard to the public welfare. It had been said that that Bill would produce litigation and annoyance to landlords, without conferring any substantial benefit on the tenants. But he entirely differed from that statement. He considered that the landlord's rights could never be safe unless the tenant's rights were justly protected. He would secure for the landlord his land, while he would secure for the tenant the value of his improvements. The Bill would provide no compensation except for value given. He believed that the rejection of the measure would hold out a premium to agitation, and would lead to an increase of agrarian outrages; and although he detested violence, he could not help feeling that the crimes which had disgraced a portion of the agricultural districts of Ireland had been promoted by the refusal of that House to effect a settlement of that question after having for years acknowledged the evils and the injustice of the present system. For his part, in endeavouring to deal with that subject, he had been impelled solely by a desire to do justice to all parties interested in the matter, and to promote the happiness and prosperity of his country.

Sir DENHAM NORREYS seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. NAPIER said, it had for a long time been his opinion that there was no subject better entitled to the consideration of that House than the question which then engaged their attention. It was most desirable that they should encourage a beneficial cultivation of the soil in Ireland, and promote the industry and stimulate the energies of the people of that country, as far as legislation could effect these objects. That subject should be approached in a dispassionate spirit; and he could not help expressing a hope that the candid and temperate manner in which it had been introduced by the hon. Member for Rochdale would be imitated by every speaker who might follow him on either side of the House. He was deeply conscious of the great difficulties which surrounded the question, but he thought that he would himself at no very distant period be able to bring forward a measure which would offer, as he believed, a fair solution of those difficulties, which would consolidate and simplify the whole code, regulating the relation of landlord and tenant in Ireland, and which would promote, as far as legislation could promote, the prosperity of the inhabitants of that part of the United Kingdom. He had, from the first, been an advocate of the principle of granting the tenant compensation for unexhausted improvements, on the principle that "what a man sows, that shall he reap." And it should be remembered that in Ireland improvements were usually made by the tenant, which in England and in Scotland were in general made by the proprietor. It was manifest that the tenant who improved the soil ought not to be deprived of the fruits of his labour by any act of arbitrary caprice. He had been much struck by a statement of the late Mr. O'Connell upon that very complicated question. Mr. O'Connell had observed, that—

> "In everything that is said about the alteration of the law of landlord and tenant in respect of

improvements, we are speaking of a subject which requires great caution and cool deliberation, in order to work out the details, so that one mischief may not supersede another; and we should take care that there be as few objections in point of justice and equity to the new system as possible."

The Devon Commission had carefully inquired into that subject, and, in the following passage, they had stated their views with respect to it:—

> "Although it is certainly desirable that the fair remuneration to which a tenant is entitled for his outlay of capital or of labour, in permament improvements, should be secured to him by voluntary agreement rather than by compulsion of law; yet, upon a review of all the evidence furnished to us upon the subject, we believe that some legislative measure will be found necessary in order to give efficacy to such agreements, as well as to provide for those cases which cannot be settled by private arrangement. We earnestly hope that the Legislature will be disposed to entertain a Bill of this nature, and to pass it into a law with as little delay as is consistent with a full discussion of its principle and details. We are convinced that in the present state of feeling in Ireland no single measure can be better calculated to allay discontent, and to promote substantial improvement throughout the country."

Now, he thought it very unfortunate that there had not been attached to the Devon Commission some person specially charged with the consideration of that question, and who should, at the earliest possible moment, have brought forward a measure for effecting a settlement of it. The Report of the Commission had naturally excited the hopes of the tenantry; and nothing could be more prejudicial to the industry and the tranquillity of a country, than to awaken in the public mind expectations which were never to be gratified. Every one must be prepared to admit that a settlement of that question ought to be delayed as little as possible. His hon. Friend the Member for Rochdale (Mr. S. Crawford) had announced that they could not hereafter have the benefit of his services in endeavouring to effect such a settlement; and he could assure his hon. Friend that, when they remembered his earnest and disinterested labours in that course, his high public character, and his useful and beneficent life as a landlord and a private gentleman, they would all part with him with sincere regret. The many attempts that had hitherto been made to deal satisfactorily with the question had failed; and he thought that the measures which had been introduced for that purpose had been liable to one great objection. In his opinion, no measure upon the subject could be successful that was not simple in its details. The necessity of giving a variety of notices, and of appealing from one Court to another, would, he believed, produce perpetual irritation between landlords and tenants, and would only serve the purposes of factious and designing persons, who thought it their interest to keep the country in a state of perpetual disturbance. For his part, he felt persuaded that the inconveniences which would arise from a complicated and perplexing machinery would be productive of more mischief than even the abuses of the existing system. His hon. Friend (Mr. S. Crawford) was no doubt desirous that they should then enter into a full discussion of his measure: and he (Mr. Napier) should, therefore, proceed frankly to state the objections which he entertained to it in its present form. The principle of compensation for unexhausted improvements was admitted by everybody; but he believed that the general framework of the measure which would substitute the will and the power of Parliament, in place of voluntary contracts between landlords and tenants, was not conformable to the views and opinions of that House, and could not possibly obtain its sanction. That was a conclusion to which he had been led by the discussions which had already taken place upon the subject. He hoped that they would not deal with contracts for the occupation and cultivation of the soil in a manner different from that in which they dealt with all other contracts, and that they would not subject the arrangements between landlords and tenants to restrictions at variance with that unfettered action which it had of late been becoming more and more the tendency of their legislation to recognise as the best principle which could be adopted in all business transactions. One of his objects in framing the Bill which he proposed to introduce would be to give larger powers to the holders of property, so that those who possessed but a limited interest in the soil might be enabled to enter into more extensive contracts for its beneficial cultivation than any which they could at present form. He would allow that beneficial cultivation to be conducted in accordance with the law of the land, and so to be in conformity with that freedom which it had been the tendency of all their recent legislation to promote. At present different landed proprietors possessed different powers for the letting of their lands; but he would give to all owners of the soil, whether they were private individuals, or lay societies, or ecclesiastical corporations, a uniform power with respect to the granting of agricultural leases. He (Mr. Napier) had lately read a very admirable speech made by the Duke of Newcastle, in which that noble Duke, in referring to the relations between landlord and tenant on his own property, stated there were in the office the heads of an agreement, fairly and equitably drawn up as between landlord and tenant, which any tenant could come in and sign as regarded beneficial improvements. In the same way the hon. Baronet (Sir A. B. Brooke) who represented Fermanagh, had also another equitable form by which the compensation paid to improving tenants was regulated, and so far everything went on in peace and harmony. He admitted the law might and could do a great deal, but it was impossible to make a good landlord or a good tenant by Act of Parliament. The co-operation of all parties in Ireland was absolutely necessary to the final adjustment of this question; and he doubted not if they all did their duty by the country, as well as to legislate for it, rapid advancement and prosperity would be the consequence. If this question should be satisfactorily arranged, as he hoped it would before many months, then by all classes doing their duty, by exciting the people to industry, and by stimulating their energies instead of inflaming their passions, who could define the extent of the prosperity to which the country might attain? In cases where the landlord was in a position to enter into settlements with his tenantry—as in the instance of the owner in fee and the occupier—he thought the parties should be left to themselves, and no legislation introduced. But then came a case of difficulty —that of the limitation of property. The difficulty was, that whilst it was most important that property should be so continued for family provisions, yet it should be so regulated as not to interfere with the beneficial cultivation of the soil by a system of leases and contracts. He found in the Report of the Devon Commission the following opinion expressed by that body: "In many well-regulated estates no leases are given; but, as a general system, we think it more for the benefit of the landlord and tenant that moderate leases should be granted." He (Mr. Napier) said that was sound sense; and, therefore, landlords who had not the power of making leases at present ought to be enabled to make them. Now, as regarded the usage called tenant-right in Ulster, as at present practised, he (Mr. Napier) had the highest authority—that of Judge Perrin and Mr. Holmes, both of whom went the Northern Circuit for many years—for saying that it was not known as a legal custom; and one of the reasons why he objected to this Bill was because it sought to perpetuate a vicious system of compensation. If they could obtain a fair and free compensation between landlord and tenant for improvements of an unexhausted nature, it would be all the better; at the same time he should say he would not touch or interfere with any existing custom or usage by Act of Parliament. Advances had been made on the faith of that custom. It was a matter of usage and contract, and he, therefore, would not interfere with it. To the first clause of the Bill introduced by his hon. Friend (Mr. S. Crawford), he should object. That clause sought to enact "that all improvements of the soil, and all works of every description which should be effected by the labour of the tenant, should be held to be the property of such tenant." In that principle he (Mr. Napier) could not agree. In his opinion the tenant-farmer was as deeply interested in maintaining the fixed rights of property as any other individual; for, after all, the rights of property were the basis of all civilisation; and if they infringed on the rights of property they infringed on the rights of industry—for property was the accumulated gain of industry. The hon. Gentleman (Mr. S. Crawford), in introducing the Bill, had referred to the Scotch law on the subject. Now, let them see what was the state of the Scotch law. It was a general feeling in Scotland that, by giving the tenant a lease for nineteen years, the landlord ensured to him an opportunity of repaying himself for whatever outlay and improvements he might make in his holding. His (Mr. Napier's) objection, amongst others, to the present Bill was, that it pointed out no period in which these improvements might repay themselves. He denied that the tenant was entitled in perpetuity to the absolute benefit of these improvements. What he should recommend was this—let them well consider the nature of the improvements, and then, by a proper scale of computation, endeavour to measure the number of years requisite to compensate the tenant for his outlay and improvements. When he spoke of improvements, he more particularly referred to improvements in the soil, than improvements on the soil—

such, for instance, as sub-soiling, draining, and improved cultivation. He believed, in all cases in Scotland, as also in England, there was a certain period fixed and made applicable, and within which the tenant might reimburse himself for his outlay, but beyond which the tenant could have no further claim on these improvements. He wished to see secured to the tenant that certain period of possession during which he could be placed in the enjoyment and occupation of his holding, and thereby enabled to reap the fruits of those improvements and outlays; and if any interruption should intervene to his possession, then the value of the number of unexpired years of his tenure should be fairly ascertained, and full and due compensation awarded. That appeared to him a plan so just that no righteous landlord or honest tenant would object to it. He objected, that by the Interpretation Clause and other clauses in the Bill now before the House, existing contracts would be interfered with; and he maintained that it would be most impolitic and unjust so to tamper with the fixed principles of property. The Preamble of the Bill stated, that by custom "a right of continued occupation is enjoyed by the tenant in possession, subject to the payment of the rent to which he is liable, or such change of rent as shall afterwards be settled from time to time by fair valuation." Now, he did not recognise the two principles embodied in those words, one of which was fixity of tenure, and the other compulsory valuation. By the 4th Clause, a tenant being served with notice to quit, or notice of ejectment, or notice of increased rent, or if a tenant at will, claiming a reduced rent, might serve on his landlord a notice of his claim, and offer arbitration. Now, supposing that a tenant had forfeited his lease by violating the conditions — say against subletting — which was considered to be injurious to the interests of the country, yet all the right of the landlord was, notwithstanding, to be superseded by the present Bill. Then an appeal from this arbitration was allowed to a barrister at quarter-sessions or to a jury; and if a landlord were served with claims by a number of his tenants, he might have to go to quarter-sessions to meet several hundreds of cases. What property could stand that? By the 7th Clause the arbitrators were to allow the tenant value for buildings he had erected, although those buildings might have been erected and sublet in contravention of the lease; and thus the landlord would be compelled to pay the tenant for the violation by the latter, of his lease. Arbitration, though at times very useful and very wise, was not always applicable as between landlord and tenant. Each appointed as his arbitrator some individual who sympathised with him or his class; and when they could not agree, they generally decided in "splitting the difference," as the phrase went, but seldom succeeded in doing justice to either landlord or tenant. In a little book which he held in his hand, called the "Tenant-Right Catechism," he found a very remarkable case—the case of a Mr. Berwick who was stated to have lost 1,485*l.* by a holding. He paid for the interest of the holding the sum of 1,000*l.*; for improvements, 800*l.*; which made 1,800*l.* He sold his "tenant-right" for 315*l.*, which deducted from 1,800*l.* left 1,485*l.* as the gross loss. But, according to a different calculation, made on the true facts, instead of having lost 1,485*l.*, he gained during his tenure 295*l.* As to cases of eviction, he could not deny that many things occurred that would be bitterly regretted by all feeling and Christian men. He perfectly concurred with his hon. Friend (Mr. S. Crawford) that the Legislature was bound to provide just compensation to the tenant in all cases of unexhausted improvements, and that the tenant should have a fair opportunity of enjoying the fruits of these improvements. Yet he would not be induced to go outside the limits of the fixed laws of property, in order to accomplish that object. He believed they now had it in their power to benefit to a great extent the agricultural interests of Ireland. The subject, no doubt, was a difficult one. He had applied his mind to it for years; and though he believed he had been able in the end to arrive at a safe and satisfactory solution of the difficulty, he yet felt himself at present unwilling to say more. That unwillingness arose in this way. At the commencement of the present Session, it was his intention to have submitted a measure to the House, and to have solicited the assistance of the House in carrying it through, with regard to the question of landlord and tenant; yet now, owing to his present position as a Member of the Government, his opinion was that the measure should be brought in under the sanction and responsibility of the Government; because it was right that the Government should have a full opportunity of considering this important subject. In the present period of the Session Her Majesty's Government could not be expected to complete any measure of so important a nature. But he might say he had shadowed forth an outline of what the measure should be. The first duty in framing a Bill on this subject would be to consolidate more than one hundred Statutes which referred to the tenure and occupation of land. The second would be the full and complete investigation of all the remedies that had been suggested on both sides, with a view to final and equitable adjustment between the landlord and tenant; and the third would be as regarded those cases in which the parties on both sides agreed—a power of agreement never to be overlooked—and where they did not, nor could not agree, then for the law to step in and declare what should be a fair, and just, and reasonable arrangement. He was sorry to have trespassed so long upon the attention of the House; but the question was one of great importance. He would take the liberty of reading an extract from a report furnished by a very respectable member of the Society of Friends in Ireland (Mr. Pim), in which some very strong objections were urged against the extension of the principle of Tenant Right, as proposed by the hon. Member for Rochdale:—

> "The Ulster Tenant Right depends merely on the good feeling and sense of justice of the landlords, joined with the fear that an infringement of what the tenants have esteemed their rights might produce serious disturbances. It does not effect perfect security in Ulster, and it appears to us impracticable to adapt it to the rest of Ireland. To give the tenants a perpetuity at the present rents, or at a valuation, would be to violate the rights of property, by confiscating the future interests of the landlord for the advantage of the tenant. Such injustice can never be expedient, and so long as the present laws remain in operation it does not appear to us that it would effect any good end. To give the tenant a legal right to compensation for improvements, subject to all the restrictions and limitations which have been proposed, would only be an additional complication of the law, harassing and vexatious to the landlord, and delusive to the tenant. The remedy which we propose is freedom. All dealings connected with the land are best determined by private contract, and legislative interference in such case is hurtful; but the present system is one continued series of interferences. For the removal of this interference the assistance of the Legislature is required; but all legislation on this subject should be permissive and enabling, not compulsory. If all parties connected with land be placed on a footing of complete mercantile equity—if perfect facility of forming and enforcing valid contracts be given them—the arrangements which their mutual interests will suggest will ensure the greatest benefit for themselves and for the public."

He had now stated the great outlines of the measure which he contemplated, and which went as far as he thought would be advisable in regulating the contracts between landlord and tenant. There was no exertion he could make, no industry he could supply, no information he could obtain, which he would not use with the greatest diligence, in order to have the question brought to a satisfactory issue. These simple measures would do more good, and tend more to promote the prosperity of Ireland, than all the nostrums which might be propounded during the next half century. While he would struggle to make the law a terror to evil doers, he would endeavour to maintain the rights of property, and protect the industrious tenant. This was his prayer—that God would bless Ireland, so that yet, by a gradual and certain process she might acquire a place among the nations of the world. He hoped yet to see her happy and prosperous.

MR. ROCHE said, that in the name of justice, mercy, and fair play, let the law be a terror to all evil-doers, but let the House remember that all the evil-doers in Ireland were not confined to the Ribband lodges. The right hon. and learned Attorney General for Ireland said that they could not make good landlords by Act of Parliament, but they might prevent landlords from being mischievous by Act of Parliament. Though he had listened with great pleasure to the commencement and greater part of the speech of the right hon. and learned Gentleman, he was sadly disappointed with the conclusion, because, if ever he had heard a speech which contained a good reason for going into Committee to consider the details of a measure, it was the speech of the right hon. and learned Gentleman. In the present unhappy state of Ireland it was of the utmost importance that the principles lately proclaimed by the noble Lord the Secretary for Ireland at Coleraine, and repeated by the right hon. and learned Gentleman (Mr. Napier) that afternoon, should take the form of an Act of Parliament; but after the speech of the right hon. and learned Gentleman he did not know how the country was to be governed. The right hon. and learned Gentleman had said it was necessary there should be a change of the law. That was said out of office; but now the noble Lord (Lord Naas) and the right hon. and learned Gentleman were in office, they did not come forward to propose it. The right hon. and learned Gentleman had hinted at what he meant to do on this subject, and one thing was, to increase the power of the landlords: that might be a very good thing in itself, but he (Mr. Roche) would say that that would not touch the present evil. What he complained of was, that the landlords did not do what they were now enabled to do. If the right hon. and learned Gentleman had not changed his mind of late, why did he not at one introduce his measure? It was idle to say, "Wait for the next Session of Parliament, and see what measure we will introduce," because the Government might not be in office next Session, and then what would become of their Bill? All the right hon. and learned Gentleman had said of Mr. Berwick's case might be quite true; but that very case was exactly the case that ought to be submitted to the arbitration clauses of the Bill of the hon. Member for Rochdale. With regard to Lord Dungannon's tenants, what objection could there be to go into Committee on this Bill, so as to devise means for muzzling such tenants as those of that nobleman? He believed that all the social evils under which Ireland laboured, were to be attributed to the defective relations between landlord and tenant. Let the House look at the present social state of that country. First, there was a frightful decrease of the population; then there were agrarian disturbances, and safety neither to life nor property; and, lastly, there was an overwhelming accumulation of taxation. All could be traced to the unhappy state of the question of landlord and tenant. As to the first, he did not wish to bring into the consideration of it the question of the famine. He believed that the effects of that famine might have been mitigated by a good system of legislation; but it had not pleased Parliament to apply such a system. He would, however, put the famine out of consideration—it was over, and still the frightful decrease of the population went on. In 1851 there entered the port of New York alone 250,000 emigrants from Ireland. The Irish did not emigrate in families, but in sections, and he believed that the number he had mentioned represented in fact 1,000,000 of persons, and that, before many years had passed, the whole of the 1,000,000 would have left the country. All this arose in consequence of the insecurity of tenure in Ireland. Then, as to agrarian disturbances, it was patent to every one that the dreadful murders that were committed arose out of the existing state of landlord and tenant. The House ought to apply itself to the cause of such an evil, and try to remedy it. Much had been said about the rights of property, but more might be said about the rights of human life. There was nothing in the Bill before the House that tended to improve the rights of property. No one could deny that the enormous taxation now raised in Ireland was to be traced to the insecurity of tenure, because the ratepayers had been driven out of the country by the oppressive nature of the existing laws. No measure would give satisfaction in Ireland which did not give the tenant full value for his improvements. And as to the accumulation of taxation, did any one believe they could stop it by any other means than by bringing the only capital they had—the capital of the tenant-farmers—and the land together? At present there was a large amount of capital in the savings banks that might be applied to the land, but proper legislation on the subject was required for the purpose. To one part of the Bill, that of providing compensation for improvements, the right hon. and learned Gentleman appeared to agree. Let the House, then, go into Committee upon this Bill. If they did, there might be other parts of it upon which they might agree; but, if they refused, the people of Ireland would say the declaration of the noble Lord at Coleraine, and of three of the right hon. and learned Gentlemen in that House, on this question, were a mere sham.

VISCOUNT CASTLEREAGH said, that if there were any difficulty greater than another on this question among those hon. Members from Ireland who sat on his side of the House, it arose from the feeling that the Government had not solved the dilemma in which Ireland was placed by bringing in a Bill upon the subject. His hon. Friend the Member for Rochdale (Mr. Crawford) had, in common with many other hon. Members who advocated this question of tenant-right, inflicted what the great daily organ of public opinion called an annual "craze" upon the House; but he had done so, not with a view of obtaining popularity, or for any interest connected with tenant-right, but from a deep and earnest conviction that to this question much and many of the calamities of Ireland were to be attributed; and his hon. Friend having brought forward this Bill, he (Viscount Castlereagh) thought it was the duty of the Government to allow the hon. Gentleman's Bill to go into Committee. He had rejoiced to hear the admirable, conciliatory, most kind, and he might say most affectionate speech, towards the people of Ireland, that had that day been delivered by the right hon. and learned Attorney General for Ireland; and the address lately delivered by the noble Lord (Lord Naas) the Chief Secretary for Ireland to his constituents at Coleraine also held out great hopes that the Government were prepared to settle this great question in a manner satisfactory to the country. But still it appeared that the Government measure was to be deferred and delayed. Like many other things which the present Government had taken up, they had consigned it to the dim region of the future. The Mokanna of the Treasury Bench, who had just promised to legislate on this subject at some future period, was only rivalled by the Lady of Mystery, the Chief Secretary for Ireland. He was afraid that by staving off this question, they wished to cashier the Bill of his hon. Friend (Mr. S. Crawford). He himself would not be bound to all the details of his hon. Friend's Bill, for he saw many objectionable parts in it; but what he said was, that if the Government acknowledged its principle, and wished to deal fairly with the Bill, they would allow it to go into Committee. This was not only a tenant question, it was a question very deeply affecting the landlords of Ireland also; and he trusted that the Government would lose no time in bringing the matter to a satisfactory settlement on their behalf also. He appealed to the territorial squirearchy of England, and asked them to prove their sympathy with the interests of agriculture by helping to place the Irish farmers in a right position. The mode of letting land in England and Ireland was very different. In England the landlord raised the farm-house, the byres, the fences, and kept them in repair; but in Ireland the tenant was obliged to do everthing of this kind, and if, after occupying his farm for ten years, his landlord blamed him for not effecting any improvements, and called him an idle fellow, the tenant would reply, "Very true; I have got a little money; but what security have I, if I lay it out on my farm, that I shall ever get any of it back again when I am obliged to quit?" Until this question was placed on a better footing, there could be nothing but discontent and heartburning among the tenantry. He did not wish to introduce any acerbity into that debate, which he regarded as a presage of better times for Ireland; but he said if the measure to be brought in by the Government was not laid upon the table, if the House was not to be informed what the Mokannas of the Government intended to do, then it would be the duty of the Irish Members to support the Bill of the hon. Member for Rochdale. He hoped, therefore, that the Session would not be allowed to reach an untimely close without some certainty being held out to them on this subject. The Bill of his hon. Friend was the bird in the hand, which, although perhaps not of the finest plumage, was better than two of the Government's in the bush. He assured the noble Lord the Chief Secretary for Ireland that he did not wish to take a course hostile to the Government; but he felt that, under the existing circumstances, his duty to his constituents was to vote for the second reading of this Bill.

Mr. J. GREENE made an earnest appeal to the English Members of the House to allow the Bill to advance into Committee. He could afford them the most complete proofs of the necessity for passing into law some sound and well-considered enactment, by which the landlords of Ireland might no longer be sanctioned in that destructive course which many of them had pursued. He himself had had considerable experience of Ireland, and in travelling through many parts of it he found the land undrained, uncultivated, and unfenced. He maintained that there must be some cause which was capable of being manifested to explain why such a state of things existed. He agreed with the noble Lord who had just sat down, that these evils had their origin in the tenant-farmers of the country having no security for any outlay they might make. There were certain bad and heartless landlords existing in Ireland who took advantage of the industrious and provident wherever they found him, and hurried him into a common ruin with those who had been wasteful and unthrifty, dispossessing him of his holding, and then selling that land to the highest bidder which he had made valuable by his industry. Could any one, then, make it a matter of astonishment that such a race of tenantry existed in Ireland, or that no improvement had taken place there? To him it seemed but the natural working of cause and effect. He was most happy, for one, to join his humble voice in calling on English proprietors, for their own interest, to consider what enactments might be devised to direct the flow of capital towards the improvement of the land, and not to allow it to remain a waste and a howling wilderness. He had travelled recently through the west of Ireland, and seated on the box seat he had asked the driver to explain to him the cause of the very improved appearance of a large tract of country. The man said that the proprietors had given leases, and hence the occupying tenants felt they had an object in improving their lands. He, however, was of opinion that mere leases would not necessarily guarantee such results as those he had witnessed. Capital, also, was necessary, and unless some enactment was passed giving compensation for unexhausted improvements, he was firmly convinced Ireland would remain as it had been for the last two centuries—untilled and uncultivated, with a tenantry dissatisfied, and the landlords living on the rack, for the only chance that seemed to be open to the tenant of bettering himself was by the death of the landlord. He quite agreed with the noble Lord (Viscount Castlereagh) that the present measure in some of its details might be amended; but that was no objection to their proceeding with the Bill in Committee, and he earnestly trusted, therefore, that the right hon. and learned Gentleman opposite would have no hesitation in giving his assent to the adoption of that course.

MR. VINCENT SCULLY: Perhaps I ought to apologise to the House for presenting myself so soon after my first introduction; but there are some peculiar circumstances connected with this Bill which may justify my intrusion. I can bear personal testimony to this House, of the deep, intense, and all-absorbing interest which the people of Ireland feel at the present moment in the Bill of the hon. Member for Rochdale. In the greatest agricultural constituency in Ireland, which bears the same analogy to Ireland as Yorkshire does to England, the whole question at issue, during the recent election, was the question now before the House. In every part of that great county, and in every meeting that was held throughout it, attended by thousands of persons, the one question absorbing the minds of the people was that of tenant right. In Ireland there will be the very deepest feeling of disappointment, from Coleraine to Cork, if this Bill is not allowed to be read a second time. It appears on all hands, and it is most satisfactory to find from the speech of the right hon. the Attorney General for Ireland, that there is no difference of opinion as to the principle of this Bill. It is admitted on all hands that the principle of compensation to the tenant for his unexhausted improvements—the very words of the right hon. Gentleman the Attorney General for Ireland—is a sound and indisputable principle; and so far as I understand this Bill, there will be nothing more established by its being permitted to be read a second time. I shall not at present detain the House by going through every clause of the Bill, to each of which the Attorney General for Ireland has objected. There were, however, two clauses to which he seemed most to object, one of which declares that all improvements that may appear on the land shall be presumed to be done by the tenant; and another, which has a retrospective effect, giving to the tenant the benefit of all past improvements made by himself. Now, these are matters of detail, which can, if necessary, be amended in Committee. I do not mean at present to express my individual opinion on those two clauses. I am as open as any Member in the House to consider them both in Committee. But as to one of them, I would remind this House, and especially those Members for English constituencies, that although in England it may be usual and fair to presume that improvements upon the land are effected by the landlord, such being the uniform practice in England, that there is no such practice in Ireland, where, as a general proposition, improvements are not effected by the landlord. Now, I have not ascertained, from the speech of the Attorney General for Ireland, whether he does or does not object, on the part of the Government, to the second reading of this Bill. It would be desirable to obtain explicitly the information, whether the second reading is objected to or not. It is a simple question, and can be plainly answered, "yes" or "no." And, secondly, I have not collected from the Attorney General for Ireland when it is that he intends to introduce the third Bill which he has alluded to, for compensation to the tenant. There were three measures propounded on the part of the Government—one was for a consolidation, or codification, of the laws between landlord and tenant, to which, if properly framed, there could be no possible objection; the second, a Bill to regulate and simplify the future remedies between landlord and tenant, which would also be a desirable matter; and, third, the Compensation Bill, for unexhausted improvements. Now I would suggest, that this third Bill for compensating the tenant for his unexhausted improvements should be introduced at once, immediately after the Easter recess: because, without at all doubting the assurances we have received from the right hon. Gentleman, it has been already surmised that it is just possible that before next Session of Parliament there may be a new Government in office; and it is also possible that before that period shall arrive, we may, by judicial changes in Ireland, be deprived of the services of the right hon. Gentleman, and possibly of the Solicitor General also. Then what guarantee should we have for all these excellent declarations of good intentions on the part of the present law officers? They will all pass away and go for nothing; and the future law officers will not be bound by them, but will be quite at liberty to come forward and say, "This is an exceedingly difficult question to deal with, involving a great amount of complexity, and perhaps it will be better to let things go on as they are, than to attempt to legislate on the subject." Now, I do say, that if it involves ever so much complexity, it is better to encounter it, than to let things go on as they are in Ireland. I am quite sensible of the difficulty of legislating properly on this subject, but I am equally satisfied that it is not a matter of impossibility. The right hon. Gentleman himself has admitted that it is not impossible, for he says he will introduce a measure on the subject. Now, I would hope to have some idea of what that measure will be. It would be very desirable to know at present. I should like to know also how this Bill proposes to deal with the tenant's admitted right to compensation? and how any question of compensation can be legislated upon, excepting by some such measure as is now proposed? There must be some mode of ascertaining this compensation. It must be done by some description of valuation, because if it were never to be ascertained except by express contract between the parties, we do not want any legislation upon the subject. In that case the parties would legislate for themselves. But if there were to be cases in which the amount of compensation will not depend upon contract alone, then it must of necessity be ascertained by some mode of valuation. There was some suggestion thrown out to this House, that arbitration would not be a satisfactory mode to settle the amount of compensation. But, at all events, it must be by some sort of valuation that the compensation is to be ascertained. An Act of last Session, the principle of which approached perhaps nearest to the present measure, entitled tenants in England or Ireland, who may have erected any farm-buildings or fixtures upon the land, either to remove them, or have them valued for the landlord. The principle adopted in that Act was precisely the same as that of the present Bill. Under that Act each party, landlord and tenant, is entitled to choose a referee, and the two referees are to appoint a common umpire, by whom the valuation is to be made. Now, this question of compensation to the tenant-farmer of Ireland is not a question of to-day, or of this Session or last Session, or of this century or last century. It is that which has always been, for many centuries past, the great and paramount question in Ireland. The uncertainty of the tenant's holding has always been the cause of the desolation of the country. Every remedy, save that of giving to the Irish tenant-farmer some security of tenure, or some right to compensation for his industry and outlay, has been tried, and tried in vain. The plantation of Ireland, with English and Scottish immigrants, has been tried over and over again, from the reign of Henry II. up to the present day. The rooting out of the Irish people has been tried over and over again; but the simple remedy has never been tried, of endeavouring to fix them in their own soil. Let that remedy be tried in any form, either by enabling the industrious tenant to acquire a permanent interest in the land, or by entitling him to compensation for his outlay, and there would soon arise such an improvement in the country as would appear fabulous for me to attempt to describe. Now, I do not at all object to the principle of the Attorney General for Ireland, on the other branch, if I may so call it, of this debate, the facilitating of contracts between landlord and tenant. The more contracts are facilitated and adopted, the better it will be for all parties. But I would go greatly beyond the principle of the right hon. Gentleman. I would facilitate all transfer of land to such an extent, that there should be no difficulty whatever in effecting them; and so, that all charges upon land should be as simple as bank notes or bills of exchange, and as easily negotiated and transferred. There are no difficulties whatever in accomplishing this object, save those that arise from technicalities and embarrassments, interposed by law. There are no persons in the community so deeply interested in carrying out such facilities to the utmost extent as the existing landowners, who now monopolise the land of the country, and whose property would become doubled and trebled in value, in the course of a few years, if this principle of facility of transfer or free trade in land were adopted. Therefore, there is, perhaps, no difference between the Attorney General and myself on this subject, excepting. perhaps, that he may not be prepared to go so far as I do in facilitating all contracts relating to land. However, to come back to the question. The principle of this Bill is admitted—the principle of compensation to tenants for unexhausted improvements—which is the sole principle it involves. Are the Government prepared to state now that they will oppose the second reading of this Bill, which does not bind any Member of this House to adopt its details? I know there is another portion of the Bill which relates to the custom of tenant right; but the principle of that custom is to a great extent included in compensation for improvements. Although there may be a little variation in different estates in Ireland, yet this Ulster custom is one that has prevailed from generation to generation, and from century to century: and it goes so far back that it is a disputed matter whether or not it originated in the reign of James I. It is admitted to have existed from a very remote period, and the custom is simply this: That the tenant who holds land to which the custom applies, shall be at liberty to dispose of that land to an incoming tenant, to be approved of by the landlord, subject to a fair rent. Now, it is said that this is not a legal custom. [Mr. WHITESIDE: Hear, hear!] If it were, there would be no necessity for legalising it; but it is a perfectly just custom, and it would be a monstrous thing for any landlord to oppose the operation of that custom. It is not a custom that applies exclusively to any particular districts of Ireland. In substance it extends to all the four provinces; and any person who has the slightest doubt about the correctness of my statement, may satisfy himself at once upon the subject, by going into the library of this House, and inspecting there the head Tenant Right, in the index to the Reports on the Devon Commission. He will there find that the practice has existed upon some estates in almost every county in Ireland; that a landlord, to whom a large arrear of rent is due—two, or three, or four years—permits the tenant to let in another person, who comes forward and pays the landlord the arrears of rent: and he will also find there many instances of the money having passed through the landlord's own hands, who deducted from it his arrears of rent. In many cases of tenants at will, the landlord has accepted from an incoming tenant a large portion of the principal paid by him for the goodwill of the farm; and it would be monstrous to maintain that he could, on the following day, serve the tenant with a notice to quit, and eject him at once. There is certainly nothing unreasonable in proposing to legalise such a custom. It is quite consistent and perfectly in accordance with the Constitution of England to legalise it. It is a similar custom, but without that important ingredient of the landlord having pocketed a large portion of the arrears of his rent, to that which constitutes the sole foundation of all the copyholds of England. Any person who will read *Blackstone's Commentaries*, or *Wright's Law of Tenures*, or *Reeve's History of the English Law*, will see at once that the copyhold custom was in its origin similar to that which is sought to be legalised by the tenant-right farmers of Ireland. That copyhold custom was in effect legalised by the statute of Westminster, the first which limited the time of prescription to the reign of Richard I.—a period which did not at that time exceed about eighty years. Whereas now, in order to maintain this tenant-right custom, the Irish tenant-farmer would have to attempt to establish that the custom had existed in the year 1189—a period but a very few years subsequent to the first coming of the English into Ireland, in the reign of Henry II. It would thus appear that English copyholds were founded upon ancient custom, confirmed by subsequent legislation. I would show, from other instances and analogies, that according to the Constitution of England, the legalisation of this Irish custom would be just and right. So much for the tenant-right custom, which depends upon the admitted principle of compensation for improvements, and upon the additional circumstance that it is accompanied by the payment of a large sum of money, a great portion of which usually finds its way into the landlord's pocket in the form of arrears of rent. It would certainly be a grievous thing and a great disappointment to the tenant-farmers of Ireland if they found that, the principles of this Bill being admitted, it has not been allowed to go to the second reading. The hon. Gentleman the Member for Rochdale has undertaken to allow it to remain on the table until the Government shall have an opportunity of introducing their measure. It is upon such a measure of legislation as this that the whole welfare of Ireland depends, and has always depended. It does not, as I understand its provisions, confer upon any tenant a right to hold the land against his landlord. It merely provides for legalising the custom of tenant-right, and for the tenant's right to compensation for unexhausted improvements, giving to the landlord an option to continue the tenant at a fair rent, in case the landlord shall not pay the amount of compensation. But even if it did go farther than that, it would be a matter of detail, which could be altered in Committee. It provides that the tenant shall not be turned out on a minute's notice, without receiving compensation for his outlay. Now, if the Legislature could be induced to pass a measure of this character, we should hear no more in Ireland of those horrible outrages and agrarian disturbances which have so long been connected with that land. If there were any permanent interest given to the tenants of Ireland, or any mode of compensation for unexhausted improvements, there would not exist that system of Ribbandism which, unfortunately, has taken hold—a strong hold—of some districts; which in some places has received sympathy and support from a portion of the Protestant, Presbyterian, and Catholic population, and which in those districts, has set at utter defiance all the terrors of the law, and all the exertions of the local clergy. And I believe that my right hon. Friends the Attorney and Solicitor General for Ireland will bear me out in the statement, that that abominable system is based altogether upon agrarian discontent. Now, all I ask on the present occasion is, simply that a Bill giving satisfaction to the farmers of Ireland, and the principles of which are admitted on all sides, shall be read a second time. If not, it is of no use to be speaking here in this House about discouraging agitation. If every one of us were to leave this House and go to our respective districts in Ireland, we could not allay agitation. It is all very well for Gentlemen to profess a feeling in favour of the principle of tenant-right and compensation for unexhausted improvements; but now is the time to prove the sincerity of that feeling by giving some practical support to a measure which asserts some just and admitted principles, and does not commit the Government to any of their details. Sir, I may have trespassed too long upon the House, but the subject is one that would not be exhausted even by many days' debate, much less in a short discussion. It involves great and awful considerations to my country. I am aware there are other hon. Members anxious to address the House within the very limited time allowed for this debate; and, thanking the House for the indulgence with which it has favoured me, I sit down with the intention of supporting the second reading of the Bill.

SIR EMERSON TENNENT said, he regarded it as discouraging to the prospect of an adjustment of this long-agitated question that the present was the fifth, if not the sixth Bill which had been ineffectually submitted to Parliament with that view within the last five or six years; and he deeply regretted that this fresh effort of his hon. Friend (Mr. S. Crawford) should be likely to end in a still further postponement of a remedy. But concurring, as he did most entirely, in the justice of the great principle on which the measure was founded, of securing to meritorious labour the fruits of its own exertions in the creation of permanent improvements, he found it impossible to support a Bill in which that valuable principle was so overlaid with novel and unreasonable details as to disentitle it to the sanction of the House, or to the cheerful acquiescence of the country. With respect to the observations which the hon. Member for Rochdale (Mr. S. Crawford) had made upon the Ulster Tenant Right, he believed that his hon. Friend was quite mistaken in supposing that it was now regarded with indifference by the people of that province. It was impossible for any one who observed the benefit conferred upon the north of Ireland by that system not to wish to see it extended to the rest of Ireland; but he must confess that he feared lest in the attempt to extend and legalise this principle or custom, which was now carried out by the general feeling of the landlords of the north of Ireland, it might be deteriorated by the process of subjecting it to a cold and formal definition. His hon. Friend had said, that Tenant Right was now less valuable than at a former period, but he (Sir E. Tennent) questioned the accuracy of that statement: and he had then in his hand a paragraph from the *Newry Telegraph*, in which it was stated that the Tenant Right of a farm of seventy-seven acres in the county of Armagh had lately sold for so high a sum as 1,780*l.*, or upwards of twenty-five years' purchase; and he knew an instance in the county of Down, in which the owners of an almost uncultivated field, although unwilling to part with it, refused to transfer it for eighteen years' purchase, although it did not present a trace of improvement, but had become an eyesore from neglect. He doubted, if Tenant Right became so accurately defined, and its claims so cautiously weighed, as was proposed by the present Bill, whether the tenant in the one instance would have got anything like twenty-five years' purchase for his improvements; and whether the occupiers in the other instance might not be impeachable for waste, rather than in a condition to refuse eighteen years' purchase for a field of rushes and ragweed. He differed entirely from the opinion of the hon. Member for the county of Cork (Mr. V. Scully), that the details were so separable from the principles of the Bill, that the House, although disapproving of the details, might agree to the second reading: and there were some of these provisions of the Bill to which he was desirous to invite the more particular attention of the House. In the first place, there was one passage in the Bill which, however he might hesitate to accept it on the ground of inaccuracy, he could not but admire on the score of courage. It required some nerve and boldness to fix by Act of Parliament a definition in political economy; and that too on a point, the settlement of which had for nearly a century and a half exercised all the penetration and baffled the ingenuity of almost every writer upon the science. And yet his hon. Friend the hon. Member for Rochdale had attempted, in the second clause of his Bill, a definition of what constituted the philosophy of rent. That which had puzzled all political economists was at once solved by his hon. Friend in the following terms:—

> "The words 'fair rent' shall be taken to mean the landlord's just proportion of the money value of the gross produce (according to the market price of such produce) which the lands in the occupation of the tenant, according to their quality and circumstances, are capable of yielding under a fair system of improvement and culture, after allowance has been made for all labour, and the interest of all capital expended by the tenant in cultivating the land and maintaining the condition of the premises, and for all taxes, rates, and public assessments of any kind charged on such premises, and payable by the tenant."

He admitted that a definition of some description was indispensable to the scheme on which the whole measure was founded and proceeded; but he found it impossible to read that definition without perceiving that from its vagueness and uncertainty it was calculated to add to rather than to obviate the obscurity of the very term which it attempted to elucidate. A "fair rent," it declared, was to be a "just proportion" of the price of produce after certain deductions. But a "just proportion" was a term quite as undefined and uncertain as a "fair rent," and would equally require a fresh definition for itself. What was to be the ratio of that proportion? What was to be the test of its justice? and by what standard were the rural arbitrators to decide what might be a just or an unequal proportion, under varying circumstances? Again, the "money value of the gross produce" was itself an uncertain quantity, subject to the fluctuation of markets, and affected, as the Bill admitted, by the capabilities of the land when operated on by "a fair system of improvement." And then there were still to be deductions for the labour, and the interest of the capital expended by the tenant in the cultivation of the land, and for the public rates and assessments, all of which would vary from year to year. But by what test was the preliminary decision to be reached as to what was a fair system of improvement? and, without arriving at that, how were the arbitrators to fix the sum which should represent its cost? He saw as clearly as his hon. Friend the necessity for some such definition of what was rent—a definition indispensable to the very first movements under his Bill, should it ever become a law; but he feared that his hon. Friend did not apprehend as strongly as he (Sir E. Tennent) did the danger that a provision which laid down data so uncertain and elements so variable as the basis of all its operations, was likely to complicate the confusion which it sought to avoid, and to aggravate the discontent which it was its object to allay. There was another feature in this proposal which would, he feared, be productive of inconvenience and irritation to an extent that could not have been contemplated by the hon. Member who brought it in. He (Sir E. Tennent) referred to all those provisions which, in defining the right of the tenant at will to dispose of his interest to another, ignored altogether any regard for the views or feelings of the proprietor in the selection of the new tenant, and compelled his acquiescence on one solitary condition, namely, that the new comer should be solvent; or, as it was defined by the second clause, a man " able to apply labour to the cultivation of the land, and capital to the payment of the rent." But in the choice of the party with whom he was to enter into such intimate relation, the owner of the soil was absolutely excluded from all power or interference. The new tenant proposed to him might be an individual distasteful or personally objectionable; he might be a man whom it would be inexpedient to introduce among his tenantry, or dangerous to locate upon his estate; but no objections could be made to him on such grounds, however notorious—for by the 11th Clause, the point of his solvency once established, the outgoing tenant might give him possession of his land; and, in the event of objection by the proprietor, the tenant was empowered to abandon his farm, and demand from the landlord the full value of his Tenant Right, and compensation for any inconvenience he might be put to in dispossessing himself of his premises. He could not but regard the enactment of a power such as this as something not only quite inconsistent with the respect due to the feelings and the interests of a landed proprietary, but as a transfer of powers from the landlord to the tenantry, such as was utterly incompatible with the rights of property in these countries. But this proposal, vexatious as it might be, would be but trifling in comparison with the unsettlement of property and the disturbance of contracts such as was contemplated and gravely proposed in other portions of the Bill. For instance, it was intended that the tenant at will might at any time convert his tenure into something equivalent to a lease by the simple operation of raising the question of compensation for improvements, and appealing to an arbitration, the recorded award in which should by the 8th Clause have all the force and effect of a lease for fourteen years, during which the proprietor could on no pretence remove him so long as he paid the "fair rent," to be settled for him by his arbitrators. Nor was this all; as a tenancy at will might by the 8th Clause be converted into a lease, so a lease by the 11th Clause could, by a similar process, be converted into a tenancy at will. For if the rent in the opinion of the occupant were too high, considering the prevailing prices of produce, he had only to appeal to the arbitrators, who might direct an abatement, and, if that should be refused by the proprietor, the tenant might not only surrender his lease, but demand compensation for his loss and inconvenience in transferring himself to some other estate. Another, and an equally startling proposal, was contained in the 13th Clause, which proceeded on the ground that arrears of rent due to the landlord were an impediment to the improvement of the land, and an inconvenience from which the tenant should be speedily relieved. The Bill, therefore, enabled the latter to plead the failure of his crops, and the increase of local taxation, and to demand of the arbitrators an inquiry into his liabilities and his capacity to pay; and the arbitrators were empowered, having as usual dictated what ought to be a "fair rent" for the future, to write off the arrears, or any portion of them, and to regulate the payment of the residue by periodical instalments. Were a law such as this to pass, we might expunge from our familar phrases the term "property in land;" possession of the estates the proprietor might still retain, though in a limited sense, but his title would be effectually dissociated from every idea that now entered into the attributes of property; and, as a basis for settlements, as a security for charges, as an investment for the savings of industry, land itself would speedily cease to be of value in the eyes of the people of England. It was impossible that a measure involving such results could be sanctioned by the House; and, while he heartily assented to the sound principle to give effect to which this movement first originated, he could not too sincerely regret that the Bill for that purpose should have been overlaid by other matters so unsound and objectionable as to disentitle it as a whole to the concurrence of Parliament. Coupled with these expressions of disapprobation, and the announcement of his right hon. and learned Friend the Attorney General for Ireland, of the Bills now in preparation by the Government for the settlement of the question, the House would not be unprepared for the Motion with which it was his intention to conclude, that the second reading of the Bill should be postponed. The noble Viscount the Member for the county of Down, while he disappoved of the Bill of the hon. Member for Rochdale, had still avowed his wish to see it pass through the ordinary stages of legislation rather than wait for the Bill of the Government, on the principle laid down by the right hon. and learned Attorney General for Ireland. The noble Viscount had taunted the Members of the Government with their mystery upon this matter, and their reserve as to the time at which such a Bill would be laid on the table—

Viscount CASTLEREAGH begged to correct the hon. Member. He had not taunted the Members of the Government, as stated by him, but had merely, as he had a right to do, complained that they had given the House no information on the point.

Sir EMERSON TENNENT said, he understood the noble Viscount to taunt those on that side of the House.

Viscount CASTLEREAGH: I rise again to order. The hon. Gentleman accuses me of uttering a taunt, whilst I most distinctly have denied that I meant to use a taunt. I think, therefore, with the greatest deference to the House, that that word should not have been used again.

Sir EMERSON TENNENT said, that of course the noble Viscount must be the best judge of the intention and meaning of the words which he had used; those to whom they were addressed could only judge of them by their import and their tone; but he (Sir E. Tennent) heard those by whom he was surrounded addressed twice by the noble Viscount as the "Mokannas of the Treasury Bench;" and when this was accompanied by the expression of a wish, on the part of the noble Viscount, that rather than wait for an indefinite period, he wished to proceed with a measure of which he, nevertheless, disapproved, he (Sir E. Tennent) thought it impossible not to draw the inference from the words of the noble Viscount, that he thought there was a reserve on the part of the Government as to what were their intentions. He was now in a condition to state to the House that the Bills which had been announced by his right hon. and learned Friend the Attorney General for Ireland were now in such an advanced state that they would be laid on the table at the earliest possible moment. Anticipating that they would elicit as much satisfaction as the Bill of his hon. Friend (Mr. S. Crawford) had encountered disapproval, and that while they would be regarded as affording protection to the just right of the tenantry, they would also prove acceptable to the proprietors of land in Ireland, he begged to move as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. KEOGH said, there really was not time to discuss this question. Many friends of his wished to address the House—hon. Gentlemen who, since they were elected, had not had an opportunity of expressing their opinions. Until the hon. Gentleman the Member for Lisburn (Sir E. Tennent) had, probably animated by some ancient hostile feeling, alluded in terms of bitterness to the observations which fell from the noble Member for the county of Down (Viscount Castlereagh), he (Mr. Keogh) felt bound to say that the speech of the right hon. and learned Attorney General for Ireland was most conciliatory, and that no asperity had been thrown into the debate. His noble Friend the Member for Down said that the conduct of the Government reminded him of Mokanna on the Treasury bench. This the hon. Gentleman (Sir E. Tennent) said was a taunt. Now, in his (Mr. Keogh's) opinion, the only inference to be drawn from the remarks of his noble Friend was, that the celebrated prophet wore a veil, and that the Government wore a similar habiliment, and with that veil they intended to shroud intentions full of mystery—a purpose which might serve the objects of the Government, and which was very well calculated for a general election, but which would not prove satisfactory to the people of Ireland. The hon. Gentleman the Member for Lisburn (Sir E. Tennent) told the tenant-farmers, his constituents, that he approved of the principle of this measure, and he demonstrated his approval in this House by arguing against its details. The hon. Gentleman had evidently prepared a speech which was intended for delivery on the House going into Committee, but which he incontinently fired off on the second reading of the Bill. He (Mr. Keogh) trusted the farmers of Lisburn would bear in mind the words of the poet, and apply them—

> "There, ye wise saints, behold your light, your star;
> Ye would be dupes and victims, and ye are."

He asked the House to sanction the principle of the measure. He asked them to entitle the tenant to demand fair compensation for the increased value which he had given to the land, for his labour and his capital. English landlords made improvements, as a matter of course. They fenced, they drained, they ornamented, they let their farms like furnished houses. To those English gentlemen who had not had the advantage—or perhaps he should say the disadvantage—of visiting his unfortunate country, he might state that Irish landlords made no such improvements; that they pitched their tenants in upon the naked soil, extracted from them their labour and their industry, and, when their lease was expired, sent them away without compensation. [Mr. WHITESIDE intimated his dissent.] Yes, the hon. and learned Solicitor General for Ireland came from a more favoured portion of the country; but he (Mr. Keogh) spoke of the west and the greater portion of the south of Ireland, and there he knew that no such compensation was given, and that the unfortunate tenantry dragged out a miserable existence. He had been lately travelling through the west of Ireland, and had seen thousands of the cabins of the poor levelled to the ground—their former occupants having died through hunger, or had emigrated to a foreign land. Was it for the interests of England that the Irish people should be thus crushed to the dust? They talked of the danger of invasion, and of the weakness of our national defences. Was it for the interests of the country that a system should be allowed to continue under which they had found within ten years, not an increase, but a decrease, of the population, to the extraordinary extent of 2,000,000. He believed the late Government had trafficked with this question as one of political capital—but he besought the present Government not to follow in the footsteps of their predecessors, but at once to grapple with the great and important subject. The principle of the present Bill had been admitted, and therefore he thought common justice ought to ensure its second reading. He exhorted Her Majesty's present Attorney General for Ireland to bring in the required measure, and by that means secure the attachment, the gratitude—he need not say the allegiance—of the Irish people. He might rest assured that he could confer no greater blessing upon that long-oppressed and long-impoverished nation.

MR. GRATTAN said, he would ask if it was ever known in Parliament that a Member of the Government should state that he approved of the principle of a Bill, and that another and subordinate Member of that Government should subsequently get up and move that the Bill be read a second time that day six months? Such conduct was intolerable. He thought that hon. Members who refused to do justice to the tenants would meet with their due reward by not being returned to that House again. Ireland was devastated, and the people had evinced much more sense than the Gentlemen on the Treasury bench. He warned them, however, to beware of what they were doing. It had been said that the Irish Brigade had been the means of placing the present Government in office. He would not say whether he thought that was true or not; but this he could say, that the Irish Brigade would soon unseat them, if they did not take care. The resistance of the Government to this measure, without their bringing forward one of their own, would, he was sure, excite great indignation in Ireland; and if Parliament were sitting in College-green in place of Westminster, there would be hundreds of thousands of people at their door giving vent to that indignation; but, fortunately for the House, there was the impassable barrier of the English Channel between them and the people. If the Government rejected this Bill, he assured them they would rue it at the next general election.

MR. BERNAL OSBORNE said, he regretted that a debate which had been commenced under such favourable auspices should have been embittered by what he must deem an inadvertent expression on the part of the hon. Member for Lisburn (Sir E. Tennent). He was favourable to the principle of the Bill. He wished the tenants should be compensated for improvements, and he could not otherwise, honestly speaking, avow any other intention than that of voting for the second reading. He concurred in the observations of the noble Lord the Member for the county of Down (Viscount Castlereagh); he agreed entirely in his views. Whatever fell from that noble Lord was always entitled to respect, but more especially on the present occasion, when he not merely did not make a speech to obtain or keep a seat, but when he had sacrificed a seat to the sincerity of his own convictions. He could not go further without expressing his deep satisfaction at the luminous statement, the wisdom and the sincerity, manifested in the speech of the right hon. and learned Attorney General for Ireland; and if the Government took up the measure in that spirit, he did not despair of seeing this question at length brought to a satisfactory solution. He warned the Government, however, against holding out any false hopes to the Irish people. If the right hon. and learned Attorney General for Ireland would give a distinct promise that he would lay a Bill on the table on this subject, immediately after Easter, he (Mr. B. Osborne) would advise his hon. Friend (Mr. S. Crawford) not to persevere with this Bill; but unless some such assurance was given, he would feel bound to vote with the hon. Member for Rochdale. He would conclude by saying, that it was the duty of the Government to bring in a measure on the subject.

MR. WHITESIDE must say, with great respect, that the hon. Gentleman who had just addressed the House, was bound to give his vote without reference to any assurance from the Government, according to his conscientious opinion of the Bill. He (Mr. Whiteside) rejoiced to see so many Gentlemen belonging to England and Scotland present at that discussion, and he should like to hear them give their honest opinions on the principles of this Bill. What was the principle of the Bill? It was not that which had been stated by the hon. mover of the Bill (Mr. S. Crawford). Was the Bill to remedy the distinction that was taken between agricultural and manufacturing fixtures? It was not. Was it a Bill to remove the difficulties arising from mortgages? It was not. The hon. Gentleman had introduced his Bill on certain statements which he had never referred to in the Bill. He (Mr. Whiteside) denied that the custom of Tenant Right had been determined as a matter of law by any legal determination, and if there was such a custom, it would be half of the law. The existence of such a general custom would render the Bill unnecessary, and the introduction of the Bill proved that there was no such general custom. With regard to the clause in reference to compensation, there was no time specified in the Bill as the period from which compensation should be given; and, so far as the Bill had provided, it might be from the time of the flood. The free-traders, who had established a free trade in the produce of the soil, would not recognise free trade in the soil itself. It was said that they the Government opposed a reasonable and just settlement of the question; but was that a just argument to apply to a Ministry who were only a few weeks in office? The Bill was not opposed by them for the reasons stated by hon. Gentlemen, but because it was incomprehensible in its provisions, impracticable in operation, and unjust both to the landlord and the tenant. It would encourage extravagant expectation, and was the production of an association—the Tenant League—that sought to interrupt the peace and blast the prosperity of the country. Agricultural customs in England had been spoken of; but they were clear and comprehensive, as stated in the report upon them. But the provisions of this Bill were widely different. There were three principles embodied in it. The first was fixity of tenure—next, compulsory valuation—and the next was, that the tenant might, irrespective of the will of the landlord, sell his interest in the soil, dividing with him the proceeds of such sale. Customs and usages had been spoken of as sustaining the provisions of the Bill. But such usages were not recognised by the Statute Law of the Realm—were not sanctioned by immemorial custom, nor were they at all in accordance with the rights of property. He denied that the system proposed for adoption by this Bill, was similar to the systems in operation in England and Scotland; and he must express his astonishment at the sentiments which had been uttered by the noble Lord the Member for the county of Down (Viscount Castlereagh). The county and province from which the noble Lord came, could not be in its present flourishing condition, if by the conduct of the landlords there was no security for the tenants. He could refer to a case where, in the Encumbered Estates Court, thirty years' purchase was given for an estate near Enniskillen. However, the noble Lord did not say the principle of the Bill was even satisfactory to him. The Government had not had time to introduce any Bill upon the subject, but he had no hesitation in saying that the Government would introduce a measure for the purpose of consolidating and simplifying the law between landlord and tenant, and such a measure as would be creditable to the House and valuable to the country. Such a Bill the Government would bring in as soon as they could introduce it, and they hoped it would give satisfaction to every class of the community.

Mr. CONOLLY thought it was intended by this Bill that the contracts with regard to land should be arbitrarily settled, without giving the landlord any voice in the matter, and he, for one, would not consent to be thus trampled upon. If he had time to go through the details of the measure, he could show that the object of the Bill was to have a valuation in favour of the tenant, and against the landlord. The object was to take the whole power out of the hands of the landlord, and make it a one-sided question. If compensation was the question on which they were going to divide, he could tell them that they were all agreed that every encouragement should be given to an improving tenant in Ireland.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, April 1, 1852.

Minutes.] Public Bills.—1ª Lunacy Proceedings Expenses.
3ª Personal Estates of Intestates.

Their Lordships met, and having gone through the business on the Paper,
House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 1, 1852.

Minutes.] Public Bills.—1° Poor Law Board Continuance; Poor Relief Act Continuance.
Reported.—Municipal Corporations Acts Amendment.
3° Mutiny Bill; Marine Mutiny.

WESTMINSTER BRIDGE.

Sir ROBERT H. INGLIS said, he had given both public and private notice of his intention to put a question to Her Majesty's First Commissioner of Works, in respect to Westminster Bridge, and he hoped that he might be permitted to preface the interrogatory by a few words of explanation. It was probably in the remembrance of the House, that six years ago the state of Westminster Bridge was deemed to be so alarming, that a Committee was appointed to make inquiries respecting it, and to report to that House. They did so, and reported that the bridge was in such a condition that it would be necessary to pull it down and rebuild it. Another Committee was appointed four years ago, and came to the same conclusion. In the year 1851 a Commission was issued to make inquiries on the same subject, and they also arrived at a similar conclusion. Her Majesty's late Advisers, in conformity with all these recommendations, prepared a Bill for the purpose of transferring to the department of Works the property of the Westminster Bridge Commissioners, and recommended that a Bill to authorise the construction of a new bridge should be introduced with as little delay as possible. Such a Bill was accordingly prepared: all the necessary legal notices had been given, and there was no reason to doubt that had the late Government continued in office the measure would have been introduced before now. It was certainly the intention of the late Government to have introduced the Bill; and he wished now to be informed by his noble Friend (Lord J. Manners) under what circumstances, and by what advice, had any postponement of the execution of such an intention taken place? The bridge was no better now than it was when the recommendation alluded to was made, and the opinions of eminent engineers remained the same.

Lord JOHN MANNERS said, that, on his accession to office, he had thought it right that additional inquiries should be instituted with regard to the actual necessity of bringing in a measure, in the course of the present Session, for the rebuilding of Westminster Bridge. The probable expense of erecting a new bridge was a matter that caused considerable difficulty to the Government; and, taking into consideration the silence of the Report of the Commissioners on this important point, they had determined to do nothing in the business, except with deliberation and caution. Additional inquiries had accordingly been instituted, and the result of those inquiries was the decision—concurred in by Mr. Walker—that there was no necessity to take any step in the matter during the present Session of Parliament.

Sir ROBERT H. INGLIS said, that although there was no specification in the Report of the cost of erecting a new bridge, there were the fullest particulars on the subject in the appendix.

Lord SEYMOUR wished to know whether there would be any objection to lay upon the table Mr. Walker's letter as to the stability of the bridge?

Lord JOHN MANNERS said, there would be no objection to lay upon the table Mr. Walker's letter relative to the stability of the present bridge.

FOREIGN REFUGEES.

Mr. MONCKTON MILNES said, that in bringing forward the Motion of which he had given notice, he could not think that he was guilty of an unwarrantable trespass on the time and attention of the House, in submitting to its consideration a subject of considerable public interest, involving many important principles which it was most expedient that that House should either affirm or deny, and creating a practical grievance which at the present moment was felt with severity by a not inconsiderable portion of Her Majesty's subjects. Two series of papers had been laid upon the table of the House respecting the residence in England of certain foreign refugees, and the measures taken by foreign Governments to procure their punishment, expulsion, or extradition. It was, doubtless, in the recollection of the House, that during the recent political convulsions in Europe, numbers of persons from different foreign countries had been driven to England, as to the only asylum left open to them amid the tumults of the Continent. It was asserted that after a certain residence in this country, these refugees becoming more and more excited, in proportion as their cause on the Continent became more hopeless and embarrassing, and rendering their return to their respective countries more difficult, formed themselves into associations, and set on foot conspiracies, having for object to revolutionise, or at least to alter, the Governments to which they severally belonged. It was alleged, moreover, that those persons endeavoured to levy money, by way of loan, from the people of this country, for the purpose of exciting revolutionary disturbances in foreign States. About that time also, there arrived in this country, a very remarkable man, a Hungarian refugee, no other, indeed, than Louis Kossuth, an individual who had been made the subject of much diplomatic communication between this and other countries, and in whose favour, and for the purpose of saving him from being surrendered to the Austrian Government, England had adopted the extreme and unusual measure of sending a British fleet to the Dardanelles. Several foreign Governments thought themselves aggrieved by Kossuth's reception in England, and generally by the protection afforded in this country to foreign refugees. With regard to the first point, he would maintain that the British people had given no just cause whatsoever of umbrage to the Austrian Government, or any other Government, by their conduct with respect to the reception of Kossuth. The demonstrations which were made in his favour were purely spontaneous, and confined almost exclusively to the masses of the people, having received no encouragement whatever from the Government, and but very little from the upper classes of society. Nevertheless, towards the close of last year, certain foreign Governments thought it right to address to his noble Friend the then Secretary of State for Foreign Affairs, certain very strong representations with respect to the residence of refugees in this country. Those papers being already in the hands of hon. Members, he would not detain the House by reading from them, but there was one point to which he could not forbear from directing attention, namely, that several of these foreign Ministers, acting, he was bound to believe, with perfect independence, and yet with a singular coincidence of thought, referred, in justification of their demands, to the conduct of the noble Lord the hon. Member for Tiverton (Viscount Palmerston), with regard to a despatch addressed by that noble Lord to the Government of America at the time of the feared and projected rebellion in Ireland. The despatches of the foreign Ministers to whom he alluded all went upon the assumption that the conduct of his noble Friend the Member for Tiverton, on the occasion in question, gave colour and pretence to the demand which they made for punishment, expulsion, or extradition of the foreign refugees resident in England. But nothing could be more unreasonable than such an assumption. It was only those whose judgments were warped by inveterate prejudice who could avoid perceiving that there was no true analogy between the cases. At the period of the projected rebellion in Ireland, a large number of Irishmen, who were located in the United States, and had become citizens of that Republic, took an active part against England, and by contributions of money and other means testified their sympathy with the disaffected portion of the Irish people. It was at such a critical juncture as that that his noble Friend the Member for Tiverton, then at the head of the Foreign Department, addressed the American Government in a despatch, in which he expressed his natural disapproval of such proceedings on the part of the Irish resident in the States, but at the same time admitted the constitutional difficulty, and indeed the absolute inability under which the President laboured with respect to the adoption of effective measures for putting an end to such occurrences:—

> "The Government of the United States must not take it amiss that Her Majesty's Government should resort to measures of precaution and of repression in regard to persons, whatever their nationality may be, who, in this posture of affairs may come from the United States to this realm; and if there should be any citizens of the United States who have chosen this period of disturbance for visiting Ireland for innocent purposes, they must not be surprised if, like persons whom curiosity may lead into the midst of a battle, they should be involved into the sweep of measures aimed at men of a different description."

Surely it was out of the question to suppose that this paragraph could be fairly interpreted as meaning anything else than this, that, at a period when Ireland was in a state of actual rebellion, and when that rebellion was continually fostered and encouraged by remittances from America, persons known to have come from the United States were travelling through Ireland; and that the circumstances of the times requiring that such persons should be identified, and their true mission ascertained, the American Government was not to regard it as an offence or an indignity if they were treated accordingly. The noble Lord, however, took care to say that "Her Majesty's Government will always lament that mistakes of this kind should happen, by which unoffending travellers may be exposed to inconvenience;" and he promised that if an error were committed, the Irish Government would do all in their power to rectify it. No Member of that House, whose mind was untainted by prejudice, could persuade himself that that moderate and temperate passage in the despatch of the noble Lord the Member for Tiverton was in any degree analogous in spirit or in substance with an extract from a despatch of Prince Schwarzenberg, to which he would presently allude. After the change in the administration of the Foreign Office, which took place at the end of last year, it became the duty of Earl Granville to return an answer to those Austrian despatches; and nobody who read the reply of the noble Lord could help being impressed with its tone of statesmanship and moderation. If it erred in any point, it was in not sufficiently vindicating the rights and privileges of British subjects. That reply was favourably received by many Governments; but before the noble Lord retired from the Foreign Office, there came an answer from one Government in particular which was eminently worthy of the attention of that House. Prince Schwarzenberg, misapprehending the tone of Earl Granville's letter, received it with no more favour than he had received the despatches of the noble Lord the Member for Tiverton, and accordingly replied to Earl Granville in the following terms:—

> "The Emperor, in noting down these assurances, has pleasure in thence deriving a hope that the British Government will henceforth know how to make more ample and rigorous use than it has hitherto done of the legal means at its disposal, and which it appears to judge sufficient to enable it to fulfil its international duties with regard to the proceedings of the refugees. At any rate, while waiting till these dispositions of the British Government are followed by deeds, the almost unlimited liberty of action which the refugees have hitherto enjoyed in England, with regard to the revolutionary plots that a great number of them do not cease hatching against the repose of the States of the Continent, imposes upon us, on our side, the duty of taking some measure of precaution, tending to guard us against the annoyances and dangers of which that liberty is the source. The Imperial authorities will henceforth receive orders to 'redouble' their vigilance with regard to travellers coming from England, and to execute strictly, in relation to their passports, the existing rules to which formerly, under the empire of other circumstances, it had become a habit to make frequent exceptions in favour of British subjects. The Imperial Government, moreover, reserves to itself the faculty of taking into consideration ulterior measures, if unhappily the need of them still makes itself felt."

The only reply to this during Earl Granville's administration of the Foreign Office, was the following passage, in a despatch bearing date the 23rd of February:—

> "From you, M. Le Comte, I have received communication of a despatch from Prince Schwarzenberg, in which, while professing the hope that the British Government will henceforth make more ample use of the means at its disposal for repressing the intrigues of the refugees, his Highness, contrary to the belief expressed by me in my despatch to the Earl of Westmoreland, of the 13th ultimo, that it will be in the highest degree unworthy of the enlightened character of any European Government to put vexatious impediments in the way of unoffending English travellers, by way of retaliation for the acts of foreign refugees in England, threatens, in terms to which I will not further advert, to renew precautions become obsolete with regard to such travellers, and reserves to himself the power of considering still more stringent measures."

It might, perhaps, be pretended that this despatch referred to general measures on the part of the Austrian Government, by which its own greater security, as regarded travellers, might be ensured, and that in fact that the whole document might be interpreted in a universal sense, and not as having any special reference to England. But one moment's consideration would suffice to show how erroneous would be any such interpretation. The whole tone of Prince Schwarzenberg's despatch—its *animus*, from first to last, made it so clear as not to admit of a question that the annoyances to which British subjects were in future to be subjected in the Austrian territory, were designed and intended by way of reprisal and retaliation. Prince Schwarzenberg did not pretend for one moment that the additional "protections" to which he alluded in his despatch would be brought into use, or were at all required, for any internal or domestic advantage to the Austrian Government. He did not attempt to disguise that they were intended for the purpose of annoying British subjects and the British Government by way of reprisals for certain things which the Austrian Government wanted to be done in this country, but which the English Government had not, according to the spirit of the British Constitution, the power to do. It might be said, however, that the Austrian despatches that had been received in this country since the accession to office of Her Majesty's present Government gave a totally different aspect to the question. It might be said, "Yes, before the accession of the present Ministry, there were discomforts and disturbances between the Austrian and British Governments, but since then the difficulties are entirely removed—the relations of the countries are changed, and the question is altogether altered." But how far the despatch laid on the table the other night would warrant such a conclusion, he would leave the House to decide. In the last despatch of Prince Schwartzenberg, to the Government of this country there occurred a passage which, if he mistook not, the oldest and most experienced statesman in that House would admit to be of a character entirely unparalleled. The despatch was addressed to the Earl of Malmesbury, and it contained these remarkable sentences:—

> "The intelligence of the formation of the new Government under the auspices of the Earl of Derby has been received by the Imperial Cabinet with a feeling of general satisfaction. The hopes which the known principles and the honourable antecedents of the First Lord of the Treasury justify us in connecting with his assumption of office, have not failed to receive a fresh impulse from the speech pronounced by Lord Derby at the sitting of the House of Lords on the 27th of February; a speech in which the political course he intends to pursue is stated."

If this expression of the satisfaction of the Austrian Government, at the accession to office of Her Majesty's present Government, were merely designed as matter of courtesy, there would have been no necessity to lay this particular extract of the despatch upon the table; but these words had something more than a purely complimentary signification. The whole despatch, as he read it, meant, and was intended to mean, nothing less that this—that the Austrian Government recognised, in the accession of the present Ministry to office, an evidence of a change in the foreign policy of this country, and the indication of a totally different direction to the impulse of the power of England on the Continent; and it must be confessed that their joy at the anticipation of such an event was as unreserved and undisguised as the most injudicious friend of the present Government could possibly desire. But he must say that his surprise was considerable on finding that, not only did the Earl of Malmesbury not accept these gracious expressions as mere matter of compliment, but that he regarded them as a most serious and important manifestation of favour, and did not hesitate to express the liveliest satisfaction that Her Majesty's Ministry should have been so fortunate as to secure the good opinion of the Austrian Government. When they found the Foreign Minister of England writing in such a tone, and calling Austria our oldest ally—a distinction which he believed belonged of right to the Queen of Portugal, and which had frequently been claimed by the Government of the Porte, such things seemed to establish a certain sympathy between the present British and Austrian Governments, which he would take leave to say, would be anything rather than grateful to the feelings and opinions of the people of this country, for surely it could not be pleasing to them to know that there were Foreign Ministers who adapted their language towards this country according to the vicissitudes of political party, one day addressing us with insult, and the next with obsequiousness. If British travellers were to owe their security, not to the moral power and right of England—not to the purity of their own purpose, and the rectitude of their own conduct—nor yet to the consciousness of there being an honest and upright Government at home to protect them, but simply to the accident which had given official power and influence to the Earl of Derby; that had also given us a Foreign Secretary friendly to Austrian policy, and a right hon. Gentleman holding office in the same Government who had defended the destruction of the free city of Cracow, and had rarely lost an opportunity of throwing the weight of his talents and influence into the cause of the absolutists of Europe—all he could say was that, under these circumstances, he did not think that the security they enjoyed was such as British subjects had a right to demand. Of this singular interference of the Austrian Government in the internal and domestic affairs of England, he would not say more on the present occasion than to express his opinion that if, after the occurrences of 1848 in the city of Vienna, and after the fall of that remarkable Minister who for so many years directed the affairs, not of Austria only, but, in some measure, of all Europe, his noble Friend the Member for Tiverton, who, at that time had charge of the Foreign Department, had written a despatch expressive of the "genuine satisfaction" of the English Government at the accession to office of Baron Pillersdorf, such an act would have been deemed, and justly deemed, in this country, one of great indecorum, and, indeed, of singular impropriety. In matters of this kind, it was the Minister of the Queen of England with whom Foreign Courts had to deal, and not the Minister of one particular party or another. That was the principle on which we had heretofore always acted; and it was a principle to which, he hoped, we would at all times adhere. He had little hesitation, therefore, in asking the House to affirm the proposition which he now submitted, and to declare that they viewed with regret a menace, on the part of a friendly Power, to visit upon unoffending British travellers its displeasure at that exercise of the right of asylum which is agreeable to the laws, the customs, and the feelings of the people of Great Britain, and which, in recent times, has afforded refuge and security to persons of various nations without any distinction of political opinions. In the Resolution which he should have the honour of moving, he had used the words "unoffending British travellers," not only because the phrase occurred in Earl Granville's despatch, but because there was no person on the face of the globle who offended so little against the Governments of the places through which he passed as the British traveller. If this threat of reprisal had been accompanied with an allegation that any British travellers had interfered unwarrantably in the internal affairs of Austria, or if there had been any *primâ facie* evidence that any British traveller, permitted to visit any portion of the Austrian Empire, had mixed himself up with the political affairs of that country, then, indeed, there might have been some meaning in this menace of reprisal and retaliation. But nothing of the kind was so much as alleged. Since the revolution of 1848, while there were to be found, in the different convulsions that had taken place upon the Continent, enthusiastic men of all nations taking a more or less enthusiastic interest in affairs which did not belong to them, not one single case had arisen of an Englishman's having meddled in matters which did not concern him; or, however just his feelings, and earnest his sympathies, of his having violated the strict law of neutrality in those countries in which he was residing, or through which he was passing. It had been stated, indeed, that one of the most distinguished leaders in the Hungarian army was an officer of Irish parentage; but that was an exceptional case, for, on the other hand, it was well known that many English officers served in the Austrian army; and, speaking generally, he did not hesitate to assert that the Austrian Government had no pretence whatever for believing that Englishmen had ever interfered in their internal political affairs. Generally speaking, the British traveller was a very grumbling, police-hating, comfort-loving animal, who didn't care much about the politics of the countries he visited, and was fortified in that indifference by an infinite amount of pride in his own nationality. He not unfrequently added to this a secret conviction that the English people were the only people on the face of the earth who were fit to be free, and that all other nations had better remain slaves as they are. This, he was sorry to say, was the feeling of too many British travellers; but that such men should be made the subject of retaliation and reprisal because the English Government could not act otherwise than they were acting with regard to foreign refugees, was one of the most flagrant pieces of injustice ever perpetrated by absolute power. It was idle for the Austrian Government to pretend that the new regulations which they contemplated were merely regulations as to passports essential to the security of the Austrian Empire, for any one who had ever visited those countries must be aware that the menace meant nothing more or less than that every English traveller was to be held up to public suspicion, and marked as an object for the especial surveillance of the police. These threats of retaliation and reprisals contained in Prince Schwarzenberg's despatch would prompt the Austrian soldiers and police agents to distinguish themselves by annoying British travellers; and that it had already had that effect was proved by the outrage committed on Mr. Mather at Florence, and by the arrest of the courier of Sir Stratford Canning, the son of Lord Cowley, our Ambassador at the Court of Paris. He was confident that such things could not take place but for this unworthy suspicion of the Austrian Government itself; for no class of people in the world were more kind, more genial, or more amiable than those who inhabited the States of Southern Germany. The grievances of which the Austrian Government complained, and against which they directed these unworthy measures of retaliation, simply consisted in the exercise by this nation of the Right of Asylum. This right was dear to the hearts of the English people; for it was connected with some of the most important portions of our history, and we were reminded of it by the daily associations of our life. It could not be forgotten that it was the right of asylum in this country which secured to us the inestimable advantage of the sojourn amongst us of the great Protestant divines, who, expelled by religious persecution from other countries, were enabled to confirm the Reformation here, and to help it to take permanent root in the hearts of the English people. It was the cause of the Piedmontese Protestants, for whom Milton wrote and Cromwell fought, that was still recorded in the chapel of the Savoy, where foreign Protestants still offered their homage to their Creator. In certain districts of the eastern coast of Ireland the traveller was still reminded, by the features, the habits, and the language of the people he encountered, of the Palatines who encamped on Blackheath. When the revocation of the Edict of Nantes expelled thousands of Protestants from their native land, the right of asylum was granted to them on the shores of England; and here they undertook the establishment of those silk manufactures in Spitalfields which had since become one of the most beautiful and most celebrated of our commodities. And when in later times the deluge of the first great French Revolution drove to these shores some of the best, the most gifted, and the most learned of men, and the great mass of the Catholic priesthood, they were received in this country with a cordiality and a kindness the recollection of which could not easily depart even from the minds of the French people. Nor had these great results of the right of asylum ceased in our own times, for it could not be forgotten that it was to that right that the discrowned heads of Charles the Tenth and Louis Philippe owed, if not repose, at least security and comfort. It was because of the exercise of that right that we now meet in our streets the republican refugees of 1848, and the Orleanist exiles of 1850. With the knowledge of such facts, it could not but awaken the indignation of every Englishman, jealous for the dignity of his country, that an attempt should be made by any foreign Power to restrict that privilege—one of the most glorious with which this country had been endowed by Providence, and a privilege which no Government would be able to overthrow, how ardently soever they might desire to do so. That privilege, in England, was a counterpart of the constitutional system of the country. It arose from no special law, but was an indefeasible right which the Legislature could not touch. Certain Alien Bills, no doubt, had been passed, from time to time, giving to the Government, for the time being, the power to dismiss from this country, without trial, certain foreigners whose presence the Government might consider prejudicial to the peace and welfare of this country; but there was no instance in the history of England of an Alien Act having been ever passed to authorise any Government to give up to any foreign Power a person who had taken refuge in our country, or to expel from this country any political refugee whatever upon the representation of that foreign Power. Every Act of that description which had been passed related solely to our own security, and our own internal defence, and never in any one case had we admitted the principle that we were the guardians of the peace of foreign countries—that we were to take care to remedy the abuses which any misgovernment in foreign countries might engender; that we were, in fact, to make ourselves policemen and constables for the rest of the world. When the remarkable trial of Peltier took place, in the year 1803, a request was made that he might be driven out of this country and given up to Napoleon Bonaparte. On that occasion Sir James Mackintosh used these remarkable words :—

> " That he still enjoys the security of this asylum is perhaps owing to the firmness of the King's Government. If that be the fact—if His Majesty's Ministers have received applications to expel the unfortunate gentleman from England —I should publicly thank them for their firmness, if it were not unseemly and improper to suppose that they could have acted otherwise, to thank an English Government for not violating the most sacred duties of hospitality, for not bringing indelible disgrace on their country."

That was the feeling expressed by Sir James Mackintosh on the question of the possibility of giving up a refugee who had been found guilty of a libel, in which it was supposed he had recommended the assassination of the First Consul. He considered it a perfect absurdity to think either of driving him out of the country, or delivering him up to a foreign Government. In one portion of the despatch of Count Nesselrode to the present Government, there was a most interesting argumentation upon this question. Count Nesselrode states that the municipal law of England does not provide for the case of which his Government had complained. He says " the municipal law of England merely regards your own internal security, and has nothing to do with the affairs of foreign countries;" and, therefore, he says that Earl Granville's promise to do all that can be done by our municipal law is not sufficient, and calls upon his Lordship, by his own interpretation of the law of nations, to do something beyond exercising the municipal law, and quotes the authority of Vattel upon the subject. The application of the law of nations demanded by Count Nesselrode was one which this country had never admitted, which no Government, even with a majority in Parliament, could establish so as to receive the sanction of the British people; and he was quite sure that any attempt to do so would bring destruction on the heads of any Government, and produce a general feeling of indignation throughout the whole realm. With respect to the danger to foreign Governments from this body of refugees, he was quite aware that danger might arise from the publication of revolutionary decrees, and from the collection of money for revolutionary purposes; but surely it was better for those Governments themselves that these things should be openly and distinctly declared in the face of the British people, in order that they might take every means in their power to counteract them. Foreign Governments would do well to consider that the encouragement given by the English people to foreign refugees was not of a character which need cause them any alarm. If English travellers took little interest in the affairs of foreign countries, so the people of this country, unless greatly excited, were not in the habit of taking much interest in the affairs of foreign refugees. He could not conceive a less enviable position than that of a man who had played a distinguished part in his own country coming here to be lost in the great sea of this metropolis. When such a man found himself no longer an object of general surprise—when he found that the policemen at the ends of the streets did not know even his name—when he found that, instead of exciting universal fame and admiration, his name hardly ever appeared in a newspaper, or was mentioned at a public meeting—there was a moral exercised in that position of a refugee which ought to moderate and temper his opinion; and any attempt to disturb that obscurity, and to make him the object of diplomatic correspondence, would be doing the very thing he most desired. He had now stated the principal grounds for his Motion. His object was to give general protection to the British traveller with all the weight which a Resolution of that House could give, stating that it has observed with great regret a menace to interfere with our independence; and he had also an ulterior object, believing that if some measure of the kind should not be adopted by the House, the Government might be induced te suppose that despatches of such a tone were acceptable to the House and to the people of this country. He would not do any Government the injustice to suppose that they intended to change our system of foreign policy, for they must be convinced of the impossibility of doing so. Whoever might become the Minister, our foreign policy must remain nearly the same. Any interference with foreign politics must be on the side of liberty and freedom. If we were prevented from any hostile interference in these matters, and were left to our own domestic arrangements, the old laws and customs of England must maintain their rights, notwithstanding any temporary inconvenience which might be suffered by foreign Powers. For their sakes, we could not alter these privileges, which had been used for the advantage of all political parties; and it would argue a great degree of boldness on the part of any Government to wish to abrogate or weaken them. If we were to permit Austria to dictate to us in this matter, he did not see how we could refuse to make similar concessions to other Powers. The noble Lord at the head of the Government would find, if he remained in office for a certain period, that the autocratic Powers of Europe would make fresh demands upon him; every concession would be met with a fresh requirement, until the moment would come when the Earl of Malmesbury, however obsequious might be the tone of the Austrian Government at the present time, would have to assume a tone as independent and firm as ever was assumed by the noble Lord the Member for Tiverton (Viscount Palmerston). England was the author and founder of the principle of self-government. He believed that that principle might be carried out, and would be found to be of universal application, and that all the concessions that might be made to it would be found to be advantageous to the progress of real liberty amongst men. He felt certain that the only effect of the proceedings of the Court of Austria would be to excite more interest in this country with regard to the acts of foreign nations. He had already complained of the very little sympathy entertained by Englishmen in the progress of constitutional liberty abroad; but this was rather the result of temper, and of opinion, than of education, and he believed that the time would come when such language as that which was held in those despatches, and such menaces as those that had been made by Prince Schwarzenberg, would really touch the people of England as much as their own internal affairs. And it was right that it should be so, for to attempt to isolate one country from all the rest of mankind, and to establish one State in absolute superiority over the other nations of the world, was a fallacious and immoral attempt. It was the same now as it was in the days of Cicero, who said—

> "Qui autem civium rationem dicunt habendam, externorum negant, hi dirimunt communem humani generis societatem; qua sublate, beneficentia, liberalitas, bonitas, justitia funditus tollitur: quæ qui tollunt etiam adversos Deos immortales impii judicandi sunt."

Lord DUDLEY STUART, in seconding the Motion, said, that he could not help congratulating Her Majesty's Ministers upon the revelations contained in the papers laid upon the table. The present Government, who had lately come into power, were by their own confession, in a minority in that House, and it was extremely doubtful whether they were not also in a minority in the House of Lords; and as to the estimation in which they were held by the country at large, so afraid were they of making an appeal to the people of this country, that sooner than do that, the noble Lord at the head of the Government did not shrink from violating an assurance which he had given in his place in Parliament, and backing out of his engagements, though the House of Commons, upon the faith of those engagements, had consented to vote the Supplies. [*Cries of* "Oh!" *and* "Question!"] No, they did not like to be told that; but he would maintain that he was speaking to the question, and that his observation had grown immediately out of the papers upon the table of the House. Although the Government was in such a position, they had the consolation of knowing that, whatever the people and Parliament of this country might think of their conduct, Prince Schwarzenberg and the Austrian Government had hailed their advent to power with genuine satisfaction. If the state of Europe was not very satisfactory to the lovers of liberty—if liberty had been expelled from almost every European country, and had taken root and flourished only in England—they who loved liberty and wished for the welfare of mankind had at least the comfort of seeing that the despots who had trampled upon freedom were very uncomfortable on their thrones. They had upon their side their forces by land and sea, and tribunals that were ready at their command to condemn all who were obnoxious to them; and against them, they had a few humble refugees in a distant country. For them there was power and bayonets; and against them was Kossuth and liberty of speech. The papers that were laid upon the table showed that the different foreign Governments had attempted to establish the fact that there was amongst the refugees taking shelter in this country from their tyranny a general conspiracy. But let any man read those papers with calm and dispassionate mind — let him go through the story that was told by the French Ambassador, Count Walewski—and what would he find? He would find an account of some persons forming themselves into a society for promoting liberal principles; he would find an account of some attempts made to write in secret characters on the borders of newspapers, and of means taken for procuring the admission of revolutionary songs into foreign countries; and other miserable trifles of that sort. But as to conspiracy dangerous to the Governments of Europe, he maintained that there was a total failure of all proof. But he would tell the House what conspiracy was proved by these despatches. It was proved that there was a conspiracy among all the crowned heads and despots of Europe to frighten this country, if possible, into introducing some new laws to control the refugees, and to deprive them of that asylum which they had obtained here. They would find all the Governments simultaneously, and many of them in the same words, addressing our Cabinet, and pressing upon it their vindictive and unjustifiable demands. There were the Czar of Russia, the King of Prussia, the Emperor of Austria, the Diet of Frankfort; then that king celebrated for his humanity in his own dominions, the King of Naples; next, the Grand Duke of Modena; and, lastly, the Pope; while—

> "Beside them stood another ruling thing,
> In acts, in words, in all but name, a king."

Louis Napoleon—he who was himself a short time ago a refugee—by the intervention of another refugee (Count Walewski) demanded that we should withdraw our hospitality from these men. Not long ago Count Walewski was himself nothing more than a Polish refugee in this country. First of all he came here as an envoy of Prince Czartoryski, then at the head of the National Government of Poland, and subsequently he lived in this country as a Polish refugee; and now he came forward, with a list of Polish and other refugees, and called upon the English Government to belie all its antecedents, and, by introducing some Alien Bill, to interfere with those unfortunate men, many of them his own countrymen. Now they were told, and in a certain sense properly and rightly told, that refugees ought not to abuse the hospitality which had been afforded to them, in order to disturb the tranquillity of their own country. Why, who ever violated so flagrantly the hospitality of this country for that very purpose—who ever committed that culpable action so openly and so shamefully as Louis Napoleon himself had done? Talk of Kossuth's speeches—talk of secret meetings of the Republicans—talk of writing on the edges of newspapers—what were all these, and such like things, compared with the conduct of Louis Napoleon, who now came forward with his demands against the refugees?

> "Qui tulerit Gracchos de seditione quærentes?"

The revelations contained in the papers upon the table were such as to justify an observation made long ago in Parliament by a distinguished statesman, which he (Lord D. Stuart) was glad to have an opportunity of quoting in that House. These were the words of Lord Holland: "In all times, and according to the testimony of all history, if ever there was anything mean, oppressive, or treacherous to be done, Austria was the Government to do it." And when called upon by the Earl of Liverpool to retract this observation, Lord Holland not only refused to do so, but repeated what he had said, and added that there never was a Government which had displayed more meanness, subtlety, or treachery, than the Austrian Government. That was the character given by Lord Holland of the Austrian Government thirty years ago; and he (Lord Dudley Stuart) must say, that it had not lost that character since. It was curious to see the amount of impudence which a Government like that of Austria exhibited. In one of the despatches addressed by Prince Schwarzenberg to the Earl of Malmesbury, the Austrian Minister, referring to the statement of the Earl of Derby—that it would be the policy of his Government to observe a moderate demeanour, scrupulously to maintain treaties, and to respect, in the highest degree, the independence of nations, great or small—expressed his entire satisfaction with those opinions. The Earl of Malmesbury replied that it was with the most unfeigned pleasure that Her Majesty's Government had received the assurance that the Court of Vienna subscribed to the opinions of the First Minister of the Crown. Now, one of the principles avowed by the Earl of Derby was the maintenance of all treaties, and Austria subscribed to that principle—Austria, the most faithless Power in Europe, and which had given most just reason of complaint of late years in this respect. He was not now speaking of the inhumanity of Austria, or of the way in which she persecuted refugees, driving them out of her own territories, and pursuing them into other countries for the purpose of having them put to death. But for Austria to talk of the faith of treaties! Why, did the House recollect that it was only a few years since Her Majesty, in a Speech from the Throne, was compelled to speak of certain proceedings on the part of Austria, Russia, and Prussia, by name, as a manifest violation of treaties? Here was no despatch from the First Minister of the Crown, no expression of party or particular opinion, but there was the deliberate assertion of the Sovereign of this country in Parliament upon record, that Austria had committed a flagrant violation of the Treaty of Vienna, which was the foundation of the public law of Europe, and in virtue of which Austria holds a great part of her own dominions. This was the country that now came forward to cant about the faith of treaties, as if she had not violated treaties with this and other countries, to say nothing of her conduct towards the Hungarians. Her complaints were, that we afforded shelter and support to some unfortunate men who fled from her vengeance and sought an asylum in this country. Why, we, too, had complaints to make against Austria, though they were complaints of a very different nature. We did not complain of Austria giving shelter to persons who had offended us; but we complained that she maltreated the subjects of Queen Victoria. It was only lately that a most nefarious and brutal outrage was committed on a British subject by persons wearing the uniform and in the service of Austria, for which no redress had yet been afforded. The House was acquainted with the case of Mr. Mather, an unoffending man, who was struck down by three Austrian officers in open day, and who was so seriously maltreated, that his life was long in danger. Representations were addressed to the Austrian Commander-in-Chief in Italy, but these officers remained unpunished, and were still walking about the streets of the town where the outrage was perpetrated, and none of them had been made to undergo even reprimand, except one, who was called to task by the military authorities, because he had struck Mr. Mather with his fist instead of cutting him down with his sword. But no mark of disapprobation had ever been shown towards the other officer who struck Mr. Mather with his sword. He (Lord D. Stuart) hoped that something would be done in this case. They all knew that Austria ruled in Tuscany; that she had in fact taken possession of Tuscany; and therefore it was all nonsense to say that the outrage having been committed in the Tuscan territory, that Austria could not be called upon to afford redress. He knew that he was borne out by facts in what he had stated with regard to this case, and it was an entire mistake to suppose that the Austrian officers had offered Mr. Mather any reparation. He (Lord D. Stuart) was glad to have the opportunity of contradicting that statement, although it had been asserted by a noble Earl (Earl Granville) lately at the head of the Foreign Office, that it had been intimated to Mr. Mather, that if he would make some explanation to the Austrian officers, they would make an apology to him for their conduct. He (Lord D. Stuart) contradicted that assertion, and said that no such offer had been made. It seemed to him that the only satisfactory reparation should be the signal punishment of the men who committed that frightful outrage. Mr. Mather wanted no advantage for himself; but the people of this country demanded, and had a right to demand, the punishment of those men. It was said that, according to the rules of the Austrian army, it was expected that an officer should immediately put to death any man who interfered with his troops, whether intentionally or not. But we had nothing to do with such a regulation of the Austrian army, and he thought that we ought to call upon the Austrian authorities to alter their regulations, and, if that should be thought too strong a proceeding, let us call upon them at least for a modification of their rules, so that innocent British travellers, when they met with Austrian officers, should not be cut down and have their blood shed without any reparation. The Austrian and Russian Governments complained that a reply to their demands had been given which was not satisfactory, because, in fact, the answer had been, that the British Government would do everything that it could do by law to prevent the refugees from plotting against the countries to which they belonged, but that they could not go beyond the law. Count Nesselrode thought that very hard, and said that our laws were only a municipal arrangement, and that he wanted something more than the laws could give him. He (Lord D. Stuart) trusted that it would be long before the Parliament of Great Britain should be induced to alter the laws in order to satisfy the convenience of any foreign State. Count Nesselrode did not seem to know the difference between this country and Austria and Russia. With them, suspicion was enough; but here, thank God! no man could be punished unless he was properly tried according to the laws, and unless he were found by satisfactory evidence to have been guilty of some offence. If any foreigner in this country should give any cause of offence, try him, find him guilty, and punish him; but do not let us have new laws dictated to us by the Ministers of foreign countries. He did not know whether the Government intended to agree to this Motion. He most heartily hoped that they would, because he thought it would be a very proper rebuke to those countries which had attempted so unjustifiably to interfere with us. He thought that Her Majesty's Government might perfectly well agree to the Motion, and he was the more inclined to hope that they would do so, because he was quite aware, and was very glad to acknowledge, that the right hon. Gentleman opposite (the Chancellor of the Exchequer) and the noble Earl at the head of the Government, though they certainly had no sympathy with the political principles of those persons who had taken refuge in England, were yet not without sympathy for their misfortunes, and had shown that sympathy during the brief period they had been in office, by agreeing to furnish some of the refugees with means to relieve them from the distress which would otherwise have overwhelmed them. He, therefore, hoped that the Government would agree to the extremely temperate Resolution of his hon. Friend (Mr. M. Milnes) which only expressed regret that anything like a menace should be offered by any foreign Government; and in that regret he was quite sure that hon. Gentlemen opposite would participate. The best answer that the Earl of Derby could give to those foreign Governments who pressed upon him to introduce a new Alien Bill would be, that he could not comply with the request, for that any attempt to do so would be (to use a homely phrase) as much as his place was worth.

Motion made—

"That this House has observed with regret, in the Correspondence respecting Foreign Refugees laid upon the Table, a menace, on the part of a friendly Power, to visit, upon unoffending British travellers, its displeasure at that exercise of the right of asylum which is agreeable to the Laws, the customs, and the feelings of the people of Great Britain, and which, in recent times, has afforded refuge and security to persons of various nations without any distinction of political opinions."

MR. WALPOLE: Sir, I think I shall best consult the convenience of the House, if I avoid those more inflammatory topics with which the hon. Gentleman opposite commenced his speech, inasmuch as they have no immediate relation to the question now before the House: and I am the more particularly anxious to do so, since, in the unavoidable absence of the Chancellor of the Exchequer, the somewhat unexpected duty has been thrown upon me of speaking upon a question of foreign affairs, with which I am not so well acquainted as with the affairs of that department with which I am more immediately connected. I have, however, carefully read through the papers which have been laid upon the table of the House in reference to this subject, and I have listened most attentively to the observations of the hon. Gentleman the Mover of this Resolution, and also to the speech of the noble Lord who has just sat down; and I must say, I am quite at a loss to understand whether they intend to blame the late or the present Government. But I think I can satisfy them that a more careful perusal of the papers to which I allude, will prove that the only fair inferences to be drawn from them are those which I shall presently mention, and which I hope, more especially from the circumstances in which we are now placed with regard to foreign Governments, will induce the hon. Gentleman opposite not to press his Resolution to a division. I think that these inferences may be drawn from the despatches on the table. The first of them is, that the conduct of the Government of this country—of the late as well as of the present Administration—has been such as to uphold and maintain the honour and dignity of the country with reference to its relations with foreign Powers. The second inference to be drawn is, that the foreign Governments in question have somewhat misunderstood the laws and regulations of this country with reference to foreign refugees, and that misunderstanding has naturally arisen from the difference between the laws which exist in their own countries and those which exist in this—laws, which in England give perfect freedom in all proper matters to all the population, and to which freedom all persons are admitted on coming into the country to reside—laws which it is the determination of the present Government to maintain. The third inference is—considering the misapprehension into which I think certain foreign Governments had fallen in the course of last autumn, with reference to the rights and privileges of foreigners in this country—considering that this impression has been more or less removed by the representations of the late Government, and considering that a more conciliatory tone is now used by all foreign Powers towards this country, and that more amicable relations subsist between us—that it would be extremely inexpedient and very unwise for the House to pass an abstract Resolution, which will necessarily tend to foment a feeling of dissatisfaction on the part of those foreign Governments who are now on terms of amity with us. With reference to the first of these inferences, it is perfectly true that, in the course of the last autumn, the Powers of Russia, Austria, France, and Prussia, were induced to take a view with regard to political refugees, which in reference to the laws of this country was somewhat strange, and which was certainly not such as we could agree in. This view may be briefly stated by quoting the despatch of the French Minister, delivered by Count Walewski on the 29th of October, 1851. In that despatch the French Minister says—

> "My Lord—I have the honour to transmit herewith to your Excellency a memorandum, together with some papers in support of its contents, with a view of proving the existence of a continued conspiracy on the part of revolutionary committees organised by the political refugees in London, against all the Governments of Europe, and particularly against France. The facts and proofs contained in these various papers render it impossible to doubt the existence of a conspiracy which does not confine itself to vague projects, but which is constantly at work, and in every possible manner. The series of the manifestoes of the Central Society of Demagogues, presided over by Ledru Rollin, Mazzini, &c., which I shall shortly have the honour to complete, are open calls to insurrection, and will doubtless be regarded by your Excellency of sufficient importance to warrant Her Majesty's Government in adopting all such measures against those conspirators as the laws of England will permit. I am instructed by my Government to request your Lordship's immediate attention to our representations, and to ask you to put an end to the open designs of these conspirators, who shelter themselves under the erroneous idea that they are protected by the English laws, and by the sympathy of persons in England, happily few in number, who hold similar anarchical doctrines."

Now, I quite agree with the view which was taken by hon. Gentlemen opposite, that the same observation which was contained in the French Minister's despatch, was likewise contained in the despatches of the Russian, Austrian, and Prussian Ministers; and that it explains the view which appears to have been taken by them in the course of last year. But the view adopted by Her Majesty's Government appears to be the just one. It was explained in that very able despatch of Earl Granville, in which he told the foreign Powers what was the real state of the law of this country in regard to the duty and the obligation of the country to admit foreign refugees to an asylum here, and to interfere with them no more than with any British subject, so long as they did not abuse the laws. That being the course taken by Earl Granville, it is perfectly clear that a change soon took place in the opinion of the foreign Powers; for on the 30th of December, 1851, the Prussian Minister stated distinctly that he had been instructed by his Government, by telegraph, not to press the representations heretofore made by the Prussian Government on the subject of the foreign refugees, as they were willing to let that question drop. Then commenced the change of tone. On a subsequent occasion, on the 20th of January, 1852, the French Minister informed Lord Granville—

> "That he had received a despatch from his Government, in which they express regret that there should appear to be an idea entertained by Her Majesty's Government that the presentation of the French note on the subject of the refugees, was part of a combined scheme with the three other Powers; that this was not the case; that France had acted alone in this matter; and that Count Walewski's note of the 29th of October last merely transmitted a memorandum drawn up by M. Carlier for the use of the Minister of the Interior, and that in this communication no future course of action was pointed out."

And it was shown that France did not intend to act in co-operation with other foreign Powers so as to excite any unpleasant feelings with reference to ourselves. Soon after that, the Russian Minister also adopted a somewhat different tone, for on the 26th of January, 1852, Count Nesselrode concluded a despatch by saying—

> "We are willing to hope that the English Ministers, in their wisdom and equity, will devise a remedy for a state of things which is irreconcileable with the principles of public law. For

the present, without pursuing the controversy any further, we take note of the promise given to us by the British Cabinet to watch the machinations of the political refugees, and to employ all legal means in order to prevent them from abusing the hospitality which they enjoy in England, for the purpose of assailing countries and Governments the friends and allies of Great Britain. The Emperor will await with confidence the realisation of this promise."

Now, out of the four Powers there is only one that seemed disposed to persist in entertaining anything like a feeling of dissatisfaction with the conduct of this Government, and that is Austria. The despatch to which the hon. Gentleman the Mover of the Resolution particularly referred is a despatch of the 3rd of February, 1852; and no doubt there are expressions in that despatch which the late Government as well as the present cannot but regret; but I think the hon. Gentleman will find that after the quiet answer given to that despatch by Earl Granville, a repetition of those expressions is not likely to occur; for he will also find that in a subsequent despatch the Austrian Government adopted a more conciliatory and a more friendly tone. The last despatch written by the Austrian Minister to Lord Granville was dated the 27th of February, 1852, twenty-four days after the first despatch, of which the hon. Gentleman complained; and in that despatch the Austrian Minister, Count Buol, says—

"Your Excellency will allow me to remind you that the Austrian Cabinet has with pleasure conceived the hope, from the expressions contained in that document, that the British Government would for the future be able to prevent all attempts at insurrection against friendly and allied Governments, and that the avowal of such intention has already sufficed to induce the Imperial Government to suspend, for the greater part, the restrictive measures which, under contrary circumstances, they would have seen themselves compelled to adopt in the interest of their subjects. I am happy, moreover, to acknowledge that the different interviews which I have had the honour to hold with your Excellency have left me with the impression that the British Government admits the importance of providing against the continuance of intrigues openly hostile to the States of the Continent; and, if the information which I have gathered has been accurate, your Excellency will, during the transitory duration of your Ministry, have within the very restricted limits which the legislation of Great Britain prescribes, already devoted your meritorious attention to this object. I will even add, and I have not failed to give its value to this circumstance in reporting to my Court, that if the results have hitherto only feebly responded to the disposition which has been avowed, this must be attributed to reasons entirely independent of the intentions of the British Cabinet, and of the will of your Excellency."

Here you get four despatches—one from the Prussian Minister, one from the French, one from the Russian, and one from the Austrian Minister—all of them show that the views taken by those Governments with reference to foreign refugees in this country last autumn are no longer entertained to the same extent, and that they believe that the views entertained by this Government in reference to that subject are correct, and that it has acted in a proper way. That was the state of things when the present Government came into power; and I must say that I was somewhat surprised at the tone of the hon. Gentleman in finding fault with the language of Prince Schwarzenberg in the despatch addressed to the Earl of Malmesbury on the 5th of March, 1852. Surely that is a despatch which the people of this country must be well satisfied to receive, inasmuch as it shows that whatever were the differences which might have existed between this country and Austria, they had already passed, or were passing, away; and from that time there was every reason to hope that matters might be placed on the same friendly basis as they had been before. I think it is not a fair way of putting it, to state, as the noble Lord (Lord D. Stuart) did, that the renewal of our friendly relations with Austria had solely arisen from the assumption of office by the present Government; though if they had, it would have been no discredit to them. It is true that the Austrian Government, in that despatch, declared that it considered as highly satisfactory the conciliatory tone employed towards Austria by the noble Earl at the head of the Government, in the speech in which he shadowed forth his policy with reference to the subject of foreign affairs. It was that which had given satisfaction to Austria, and it was that which it stated was calculated to remove the unpleasant feeling that had so long existed between Austria and this country. Prince Schwarzenberg says, in his despatch—

"The Cabinet, of which he is the head, the Premier said, is penetrated with the necessity of maintaining universal peace. He thinks that, in order to attain this object, there is no better means than to adopt towards all foreign Powers a calm and moderate demeanour, scrupulously to maintain treaties, and to respect, in the highest degree, the independence of all nations, great or small, and their right to manage, according to their own convictions, their internal affairs. If the English Government (continued Lord Derby) had causes of complaint against another nation, he would set forth its grievances with calmness and moderation, and with confidence in the honour and justice of those to whom the complaint would have to be addressed. It is in acting thus that the Earl of Derby hopes, not alone to be able to preserve the blessing of peace, but likewise the most friendly and amicable relations with the several nations of the world. As far as we are concerned we adhere sincerely to this hope, and we are ready loyally to act in such wise that it may not be rendered nugatory. The intention which Lord Derby has announced with respect to the political refugees, appears to us likewise of a nature to remove henceforward the subjects of discussion to which this question has given rise between the British Government and the States of the Continent. Austria, as regards herself individually, has never endeavoured to dispute the right of England to grant an asylum to foreign refugees. She has only protested against the abuse by those refugees of the hospitality which they enjoyed, by hatching revolutionary intrigues, to the detriment of countries the friends and allies of England. Lord Derby has branded this abuse, and he will, we doubt not, prevent it for the future. I beg that your Excellency will express, as well to Lord Malmesbury as to the Earl of Derby himself, the favourable impression which the explanations of the Premier have produced upon the Cabinet of the Emperor. They have given rise here to the hope that the relations between the two Governments may henceforward resume that character of frank and intimate confidence which events, independent of our will, have more or less troubled."

Surely there is nothing in these words, and nothing in the policy there shadowed forth, which this country can regret, or of which it can complain. And when you look to the particular subject before us, you will find that the view taken by the present is exactly that taken by the late Government; for there is one sentence in the note of the Earl of Malmesbury, to which the hon. Gentleman (Mr. M. Milnes) did not refer, but which, in fairness, he ought not to have omitted. Referring to the policy of the present Government, the Earl of Malmesbury says—

> "Keeping steadily in view those principles and intentions, maintaining inviolate the sacred right of according hospitality towards those whom misfortunes or political offences may have banished from their native land; discouraging and repressing, as far as the law and the constitution warrant, any attempt on the part of such exiles to abuse the hospitality they enjoy, by seeking to foment disturbance in their own country; restrained by the highest obligations of duty from straining that law beyond its legitimate bounds, but visiting with exemplary punishment those who may violate the law, Her Majesty's Government feel assured that they shall have no difficulty in reconciling their duty as Ministers of a constitutional Sovereign with the obligations which they owe to the just claims of any friendly Power, and the sentiments of sincere friendship with which they are actuated towards the Court of Vienna."

Such is the policy of the present Government, stated, as it was, in another place by the noble Earl at its head, and stated also by the noble Earl at the head of its Foreign Affairs. Well, now, in that policy, as I said before, there is nothing which this country has to be ashamed of; but, on the contrary, I think may rest fully satisfied with. It is highly satisfactory that under that policy the amicable relations of this country with foreign Powers, which were more or less estranged, and which were beginning to return during the existence of the late Government, have continued under the present Administration; and we trust that by means of it we may at length return to a state of perfect amity with all foreign Powers. Another subject of complaint has reference to passports. It appears that passports have been occasionally given, not to native Englishmen, but to foreigners. I am not going to find fault at all with any one on account of the circumstance that passports were thus given. The times required it. The House will recollect that in the year 1848, disturbances were rife in many States of Europe, and that when the Governments got the upper hand, individuals were exposed to great danger on account of their previous political proceedings. To some of these persons, for ensuring their safety, passports were given by British Consuls, but several of these passports were subsequently abused. It was against that abuse that the foreign Governments protested. They would not sanction, any more than we would do, passports which were given by British authorities to any other persons than the subjects of the Crown under whom they acted. The regulations of the Foreign Office are clear on this subject. I will read them to the House:—

> "3. Foreign Office Passports are granted only to British subjects, including in that description foreigners who have been naturalised by Act of Parliament, or by Certificates of Naturalisation granted before the 24th day of August, 1850; in this latter case, the party is described in the Passport as a 'Naturalised British subject.' 5. Passports are granted to persons who are either known to the Secretary of State, or recommended to him by some person who is known to him; or upon the written application of any Banking Firm established in London or in any other part of the United Kingdom. 6. Passports cannot be sent by the Foreign Office to persons already abroad. Such persons should apply to the nearest British Mission or Consulate. 7. Foreign Office Passports must be countersigned at the Mission, or at some Consulate in England,

of the Government of the country which the bearer of the Passport intends to visit."

Now the only passports which the Austrian Government excepted and wished to be abolished, were not the passports granted to Englishmen, but granted to foreigners, and subsequently abused. In the letter of March 12, 1852, the Austrian Minister observes—

> "The custom, which has more and more established itself, of foreigners furnishing themselves with passports emanating from an authority other than that of their respective Governments, having given rise to divers abuses and inconveniences, it has been thought useful to abolish it for the future."

Let us pause here for a moment. These passports, unless given with great care, must lead to confusion, and the encouragement of political machinations in foreign countries; and the fact of withdrawing them is not only consistent with the regulations of the Foreign Office, but consistent also with the line of policy which ought to be pursued with reference to the protection of British subjects travelling abroad. For if British passports in the hands of foreigners were thus liable to be abused, they would be viewed with distrust even in the hands of British subjects. The question now is, how are we to deal with the present Motion? The noble Lord who seconded the Motion said that it meant merely that "this House had observed with regret, in the correspondence respecting foreign refugees laid upon the table, a menace, on the part of a friendly Power, to visit, upon the unoffending British travellers, its displeasure at that exercise of the right of asylum which is agreeable to the laws, the customs, and the feelings of the people of Great Britain, and which, in recent times, has afforded refuge and security to persons of various nations without any distinction of political opinions." Well, but why record this opinion? The present Government is as determined to maintain the laws and privileges of this country in regard to the right of asylum, as any Government that has ever conducted the affairs of this country; and it views with as great regret as the last the particular expressions used in the despatch of the 3rd of February, 1852. But, as I said before, seeing as I do that the present Administration, as well as the last, have effectually maintained the dignity of the country—seeing that upon the question of the foreign refugees we have succeeded in quieting the apprehensions of foreign countries—and seeing, also, that all foreign Powers are upon better terms of amity with this country than they were at no very distant period; I think the House will agree with me that it will be neither expedient nor wise to pass a Resolution of the kind, a Resolution, be it remembered, which might lead to impressions upon the minds of foreign Powers that it was thereby desired to pass something like a censure or reflection on their conduct. To such a Resolution, on the part of the Government, I cannot accede, for I do not consider that sufficient grounds were shown for it in the speech either of the hon. Gentleman who moved it, or of the noble Lord who seconded it. Under these circumstances, therefore, I submit to the House that this is a Resolution which ought not to be sanctioned; and I submit further that the policy of this as well as that of the late Government, is a policy which the House may well approve of, since they will find that we are determined to maintain the rights of our own countrymen, and the rights of asylum to foreign refugees, to uphold the present laws in their strictest integrity, and to continue to all foreigners those rights of hospitality which the law secures to them, and which I trust it will always continue to do, so as long as they do not attempt to abuse it, whatever their opinions may happen to be, whether they be monarchical, aristocratic, or republican.

Mr. CHISHOLM ANSTEY said, he regarded with some suspicion the declaration which the right hon. Gentleman had just made of the good intentions of Her Majesty's present advisers with respect to this foreign question. He believed that it was with the concurrence of the present Government that the Austrian Government were carrying out their recent measures. To him (Mr. C. Anstey) this was manifest, from the despatches of the Austrian and the Russian Ministers. What these Governments required was, that England should frame her free laws upon the model of their own system of surveillance and espionage. In the month of October last the menace was held out by Austria; and on the 10th of January succeeding, we had the first instance of her determination to make her threats good. Three Scottish ministers of the Free Church, who in 1841, with the permission of the then Viceroy, emigrated into Hungary to diffuse Christianity among the Jews, in the cities of Pesth and Lemberg, and two at least of whom, by ten years' domicile, under the law of Hungary, had acquired the rights of naturalised subjects, were suddenly ordered to quit the Austrian territories within six days. No explanation was given for this extraordinary step, except that unless the arbitrary mandate was obeyed, they would be forcibly expelled. The conseqence was, that these unoffending British subjects had to sacrifice their property by a hurried sale of part, and the abandonment of the rest, and leave the country by forced marches in the depth of winter, with their wives and children of tender years. How had Her Majesty's Government exerted themselves to obtain redress for so wanton an injury? Earl Granville had promised to procure satisfaction for these Scottish clergyman. A communication was made with that view, through the Earl of Westmoreland—not, he thought, the best channel for communicating with the Government of Austria on a subject of that nature—but where was the redress? The right hon. Chancellor of the Exchequer had answered that a despatch had been received from the Earl of Westmoreland, but that it was of such a nature that it could not be laid upon the table of the House. It was plain that redress had been refused, and that the Government had abandoned the case; being neverthless, as they say, on terms of good understanding with the Ministry of the perjured despot, which had committed this outrage upon unoffending British subjects. The Government have also, as it appears allowed measures to be taken for further annoyances being put on unoffending travellers, without due remonstrances. Not a syllable further had been heard upon the subject; and yet the right hon. Gentleman the Home Secretary got up and told the House, and, what was worse, told the Austrian Government, that on their parts a good understanding reigned between the two Governments. Why, what did that amount to but a virtual giving up the claims of the three injured British subjects, and all claims of a like nature. The right hon. Gentleman the Home Secretary had attempted to apologise for the conduct of the Austrian Government, in holding out the menaces last October. The right hon. Gentleman admitted that Austria's conduct was strange, and such as that House ought to regret. He (Mr. C. Anstey thought that House ought not to regret it, but it would be more to the purpose if Austria herself regretted her own unjustifiable conduct. But what was the apology which the right hon. Gentleman urged for her? Why, that the menaces she had offered us had been impliedly and virtually, although not avowedly and directly, retracted in a subsequent despatch. But what had Prince Schwarzenberg told us? Why, that all the regulations regarding passports which Austria enforced against the most obnoxious Powers, should be rigorously enforced against English travellers. To justify his conduct he attempted to falsify the language of our own Government. He had misquoted the despatches of Lord Palmerston, in order to make it appear that all American citizens visiting Ireland during the insurrection which was headed by Mr. Smith O'Brien, were indiscriminately cast into prison, although those papers clearly showed that only two were apprehended under the Act suspending the Habeas Corpus Act, one of them being a British subject, and both having been deeply implicated in the first rebellion. Then, with regard to France, Count Walewski, on the 29th of October last, had requested the noble Lord the Member for Tiverton (Viscount Palmerston) to check the aggressions of "incorrigible conspirators against the liberties of the French Republic." When that despatch was written, there was a National Assembly in France; but Count Waleswski was now silent about the refugees, and he (Mr. C. Anstey) thought there was a different cause for his silence than the fact of friendly relations with England. On the 2nd of December last the French President, by whose orders that despatch was penned, himself became a "conspirator"—an "incorrigible conspirator"—and was successful in overturning the "liberties of the French Republic." Then, again, was Russia altogether satisfied with the change of the Ministry? was she disposed to relax in her hostile bearing towards this country? Quite the contrary. Baron Brunow declared that the Czar would not return to a good understanding till England altered her laws. It was also said that Prussia was satisfied with Earl Granville's despatch. What despatch? A despatch had certainly been received by Earl Granville from Mr. Howard, dated Berlin, 30th of December, intimating the official answer of Baron Manteuffel to the announcement of his Lordship's nomination to the office of Her Majesty's Foreign Secretary of

State; but there was a total silence on Prussia's part as to the important despatch in which that nobleman enounced his plan of policy; and he (Mr. C. Anstey) denied that there was any conclusive evidence that Prussia admitted the restoration of a perfect understanding. The Prussian Government merely said, "We will not press our note so long as Earl Granville is Foreign Minister." But his Lordship had been succeeded by a Foreign Secretary who, if they took the word of his Colleagues, was as firm a supporter of the principles of international hospitality as the noble Member for Tiverton (Viscount Palmerston). He could not, if that were true, be on good terms with Prussia. The German Diet stood in the same category with Austria; and with respect to the Grand Duke of Modena, the princes of Italy and the Pope, he presumed, that if there was a good understanding with them, and if our subjects travelling in their territories were to be in future freed from annoyance, it must be in consequence of something that had occurred since the Earl of Malmesbury became Foreign Minister; because the proper contempt with which Earl Granville received the communications of those potentates was not very likely to have procured us their friendship and alliance. Then the question was reduced to this—what communications other than those contained in the blue book have passed between the Earl of Malmesbury and the foreign Governments, which have contributed in so eminent a degree to the reestablishment of that good understanding which formerly prevailed between this country and those Governments when absolutist principles were all the rage, and constitutional principles at a discount? If such communications had passed, they were not to the credit of the Earl of Malmesbury; and if they had not, then we had no better security than formerly for the preservation of our good understanding with these Powers; nor, in fact, should we ever have, so long as they remained absolutist, while this country enjoyed a constitution, under the protection of which not only its own subjects but many of theirs had the happiness to live. With respect to the subject of passports, he contended that the right of a foreign Government to add new restrictions, in the shape of new formalities to the already oppressive system of passports, was one which no English Minister should admit. If they turned to the treaties on international law which had been so liberally referred to by Baron Brunow, of all men in the world, they would find that the right of entry into and passage through a foreign country was a general right, and was generally acknowledged, Governments reserving to themselves the power to impose only four restrictions—the right to know the names of the passengers, and hence to have their own statement authenticated by the signature of some public functionary; the right to exclude persons believed to be of a suspicious character; the right to exclude certain classes of foreigners, and certain individuals, by name, from the enjoyment of the general right of passage; and the right to deny the exercise of this privilege to those who attempted to enter their territory with an armed force, or in too great numbers. These being the only legitimate restrictions of the right of entry and passage, if the Government of this country was to exercise a salutary and efficient protection over British subjects travelling abroad, they were bound to see that their rights were not further restricted by novel edicts. If they did not, what was done at Pesth in the cases of Mr. Wingate and Mr. H. Smith, and at Lemberg in the case of Mr. Edwards, would become the common case of British subjects abroad, whether travelling or domiciled under the protection of the municipal laws of the country in which they lived, and relying upon the faith of treaties. He thought that the Earl of Malmesbury was disposed to admit far too lightly the right of Austria to innovate in this matter, and he feared that his admissions would be turned to ill account against us some day. It clearly appeared from the papers that had been laid on the table, that Prince Schwarzenberg was quite insatiable, and that no concessions would turn him from his purpose, which evidently was to take away the protection that once attached to every traveller through countries either under Austrian or Prussian rule, who was able to utter those grand and simple words, "I am a British citizen.' Considering that the Resolution of the hon. Member for Pontefract (Mr. M. Milnes) only expressed a plain truth, which even the Ministers were not quite prepared to deny—and that it expressed the universal sentiment of the people of this country, because it recognised those great principles of civil and religious liberty to which they were attached—he must implore the hon. Gentleman to test the sincerity of the professed friends of those principles in that House by pressing his Motion to a division, notwithstanding any suggestions that might be addressed to him, and from whatsoever side of the House they might emanate.

VISCOUNT PALMERSTON: Sir, I think my hon. Friend the Member for Pontefract (Mr. M. Milnes) has acted quite right in bringing under the consideration of the House a question of great importance as regards our own laws, as regards our international relations, as regards the rights of British subjects abroad, and the obligations of the British Government at home. Sir, I think that the right hon. Gentleman who has spoken on behalf of the Government, has not altogether embaced the full scope of the argument of my hon. Friend. He has addressed the better part of the observations which have fallen from him to one branch only of the arguments of my hon. Friend. My hon. Friend dwelt with great force upon two points—the one, the duty which is incumbent on the British Government to afford protection to foreign exiles; the other, the duty which is also incumbent on the British Government to afford protection to British subjects travelling abroad. Now. the right hon. Gentleman seemed to me chiefly to direct his remarks to the first of those points, and having, as he conceived, satisfactorily shown to the House that the present Government was determined to maintain the right of affording hospitality to foreigners, he seemed to think that he had laid sufficient grounds for negativing the Motion of my hon. Friend. But he did not, I think, equally explain to the House the determination of Her Majesty's Government to enforce that protection to British subjects travelling abroad, to which, when not violating the laws of the country in which they may happen to be, they are so decidedly and positively entitled. Now, Sir, with regard to the papers which are the subject of discussion, and with respect to the transactions to which they relate, I think it right to say that some allowance ought to be made for the sensitive anxiety which some of the Governments of the Continent expressed last year in regard to the proceedings of certain foreign refugees in this country. We must remember that they have not the same notions as we have of the expediency, as well as of the right, of free discussion and free action, which fortunately belong to every man in this country. They are apt to measure things here by their own standard of what is practicable and what they think expedient, and placing ourselves, therefore, in their situation, which is the course we should always pursue when judging of the conduct of others—for we should not measure their conduct simply by our own views, but endeavour to place ourselves in the point of view in which they stand—taking that into consideration, I say, there are some allowances to be made for the earnestness with which they pressed that point last year. There is also this other consideration to be borne in mind, that their anxiety upon that subject was increased last summer by the exaggerated notion which they entertained of the effects which would arise from the Great Exhibition of the Industry of all Nations. They imagined that there would be here a mischievous congregation of all the disturbing elements of European society, and that England was to become, I know not why or how, the great centre of revolutionary emanation. Not only were those representations made which appear in those papers, but previous to the date of those communications I had had repeated conversations with many of the foreign Ministers upon those subjects. I should state, however, in the first place, that that communication, which was dated in October, from the Ambassador of the French Republic, was wholly disconnected in its origin from any communications with the other Powers who made representations in the December following. It was the result of several conversations which I had had upon former occasions with Count Walewski, and, in short, I had stated that which the then Secretary of State for the Home Department (Sir G. Grey) stated in this House, namely, that the British Government could do no more than the powers of the law enabled them to do; that it was idle to ask us to expel any foreigner on account of the danger which his presence in this country might entail upon any foreign Government; but that it was against our law for any man, whether a British subject or a foreigner, to levy war, or to take steps manifestly for the purpose of levying war, against any foreign Power; and that if it could be shown that any foreigner—Frenchman or other—had violated that part of our law, this Government would feel it their duty to enforce the law as far as circumstances and proofs enabled them to do so. The result was that this paper, which is printed in this blue book, was given to me rather as a confidential communication than as a formal note by the French Ambassador, furnishing, as the French Government thought, indications that there were persons here who were violating the existing law of the country, and with regard to whom the British Government might take steps; but it is not like the other and subsequent communications from the Governments of Austria, Russia, and Prussia, and the German Confederation—an application to do more than the law existing in this country enabled us to do. I think it both right and just to the French Government to explain exactly the nature, and intent, and purport of that communication. Now, Sir, when those representations were made to me by many of the foreign Ministers, I stated to them that the British Government had certainly at different periods thought it necessary to pass Alien Bills, but that the powers which those Bills conferred never went to the object to which they wished the action of the British Government to go—that England, like other countries, took care of her own tranquillity—that she was not prepared to look after the internal tranquillity of other countries—that they must look after their own interests, and that the powers of Alien Bills simply went to this—that the Government was enabled to send out of the country any foreigner whose presence was dangerous to the internal tranquillity of this country; that, therefore, it was in vain for them to ask us to do that which not only the present law did not enable us to do, but which no previous law had ever authorised, which I was perfectly sure no Government would ever ask Parliament to sanction, and which I well knew no Parliament would consent to, even if it were asked. But I took the liberty further of stating to those persons that I thought they greatly exaggerated the danger to be apprehended to any foreign country from the presence of foreign refugees here. Why, Sir, I think there is nothing in which opinion goes so far beyond fact as in the notion that refugees can effect any considerable mischiefs in the country from which they have been alienated. How are they to do it? In the first place, it is said that by their missives and letters, and proclamations, they may excite plans of insurrection. Well, but the effect of a cause depends very much not merely on the cause itself, but on the condition of the thing on which that cause is to operate. A single spark will explode a powder magazine, and a blazing torch will burn out harmless on a turnpike road. If a country be in a state of suppressed internal discontent, a very slight indication may augment that discontent, and produce an explosion; but if the country be well governed, and the people be contented, then letters and proclamations from unhappy refugees will be as harmless as the torch upon the turnpike road. I endeavoured, Sir, with great deference and respect, to impress that idea upon those foreign Ministers who represented to me the danger to be apprehended from the refugees. But, then, it was urged that they might send money. Why, good Heavens! the money that those unhappy refugees, who were living in lodgings in back places, some of them of the lowest kind, and who could hardly pay for their daily subsistence—what kind of danger could there possibly arise to any foreign Government from the money which such persons could send? Then, I was told, "But see, here are notes issued by Mazzini of 50 francs each, in return for money deposited which are to be paid when an Italian Communal Republic shall be fully established—here's the name of a banker who is to open an account for this Mazzini loan." Upon inquiry of that banker it certainly appeared that parties had offered to open an account with him, but up to that period not one single farthing had been paid in. Then it was said, "If money cannot be sent, perhaps arms might go;" and, no doubt, one did hear of some 200 or 300 muskets which were supposed to be destined for those purposes; but how, I should like to know, are refugees to send any formidable quantity of arms unless they get money; and I do not think that those notes, which are payable on such an eventuality as I have described, are likely to raise any considerable amount, in order to send arms in sufficient quantities to be dangerous to any foreign country. Besides, arms are things that it is difficult to smuggle, and every country is bound to look after its own interests, and to stop those arms in their transit. "Then, if their letters will not produce revolution—if their money be not forthcoming, and their arms be next to nothing, yet men may be sent." But the moment that any foreigner begins to enrol men in this country for the purpose of military operations in another country, then you have a law which very properly prevents such practices (and these are practices which cannot be easily concealed), and you are enabled by that law—a law which no doubt every Government would put into immediate execution—to prevent such proceedings against a country which is in friendly relations with our own. I felt it to be my duty to endeavour to point out to those foreign Governments, that though it was not unnatural, considering the difference in the organisation between foreign countries and Great Britain, that they should feel these apprehensions, and this exaggerated alarm, yet that, besides our being powerless to relieve them, in truth there was not so much foundation for them as they themselves appeared to imagine. Then, however certainly there had been granted, as was stated in 1848, a considerable number of passports by British consuls and diplomatic agents abroad to persons who were not British subjects, I think that it was quite right that passports should have been issued. It was done in a moment of great commotion in Europe. Those passports were granted to persons of all parties—to Royalists in France, to Republicans in Rome, to Hungarians in the east of Europe—every man who was flying from imminent danger, and wishing to withdraw himself from that country where his presence might create disturbance, was assisted by British agents; and I believe that this was not only an act of great charity to individuals, but that it was one which contributed much to the tranquillity of the country itself where it was put in practice. I can only say with regard to Rome, for instance, which has been much commented on, especially by foreign Continental Governments, that the British Consul, and the French Consul, and another foreign Consul, did grant passports which enabled nearly 2,000 men to quit Rome, who, if they had remained there, must either have been a source of great disturbance, or have been supported by the charity of the people of the city; and the authorities of Rome not only wished that it should be done, but they urged the Consuls to assist them in getting rid of those persons; nevertheless, that act has been made the frequent subject of reproach since, especially to the Consul of this country. It was an act done on his own responsibility, at the desire of the authorities of Rome at the moment. I think it was an act which was perfectly justified, and it is one which I thought it my duty entirely to approve. At the same time it is true that the Austrian Government, for instance, might think that some of those passports might get into other hands, or that the same persons to whom they were given might seek to return under cover of those passports. I am not, therefore, myself disposed to find great fault with the Austrian Government for establishing with regard to passports this general regulation, that foreigners wishing to enter the Austrian dominions should have passports granted by the authorities of their own country, and countersigned by some representative of the Austrian Government. I think that every Government is entitled to make such regulations with regard to the admission of foreigners as it may think consistent with its own security; and if those regulations are liberally enforced, without vexatious severity, I think that foreigners are bound to acquiesce in them. There was an attempt made, indeed, to compel the British Government to establish, in regard to our passports, those picturesque descriptions which some foreign passports contain, being a definition of the particular features which the individual who bears the passport may boast of. I declined to follow this example. We are fond enough of sitting for our portraits in England, but it is to painters we like to sit, and not to passport-givers. I therefore declined either to follow the example, or to comply with the wishes of the Governments who desired it. But it certainly does appear from the papers which have been laid on the table of the House, that there was at one time a determined intention on the part, especially, of the Austrian Government, to retaliate upon British travellers by undue severity in respect to their passports and their admission into the Austrian territory, for not doing that which the Austrian Government must have known the British Government could not do by law, and which they neither hoped nor wished to have by law the power of doing. Now, I think that that is a perfectly proper thing to mention in this House. I think my hon. Friend (Mr. M. Milnes) was perfectly right in calling the serious attention of Parliament to menaces unbecoming in a foreign Government to make, and unfit for the British Government to receive. There are parts of the papers, especially towards the conclusion, upon which I wish only to make two remarks. I am alluding now to the amicable Arcadian dialogue which has passed between the Austrian Government and the present Ministry since the accession of the latter to office. The beautiful, complimentary, and amicable feeling exchanged between the two parties, is indeed worthy of Virgil. I must say I could not read the despatches without a smile; and there were circumstances which took place when the present Government was formed, which certainly did not diminish in my mind the disposition to smile at the joy which the Austrian Government exhibited at the entire change of men, councils, and principles which had occurred. It was certainly rather amusing, many things considered. But there is another point which strikes me, and that is, that I think probably the answer of our Government was written somewhat hastily, without their having had an opportunity of diving into the depths of *Rymer*, or of consulting our ancient treaties; for, although I have great respect for Austria, and am by no means disposed to undervalue her importance as an ally of our Government, and while I admit that the antiquity of the alliance goes back as far, I believe, as 1689, yet I cannot but think that the epithet, "the oldest ally of England" must have slipped rather inadvertently from the pen of our Government. I think they will find that we have had a treaty offensive and defensive with Portugal since 1373. Now, I do not think, however ancient our alliance with Austria may be, that it extends as far back as the period I mention. And not only have we had a treaty with Portugal binding us in an alliance defensive and offensive, but a couple of years after the treaty was agreed to it was actually carried into effect, and a British force sent to assist Portugal in a war in which she was engaged with Castile. Now, I should be sorry in this way to pass by a really faithful ally like the kingdom of Portugal; because, although Austria has been very valuable to us on many occasions, yet we all know that there have been certain circumstances, independent of the will and inclination of the Austrian Government perhaps, which have induced them at different times, and particularly in the last war, to break away from their engagements with us. Now, I must say that I do not think the speech of the right hon. Gentleman the Secretary of State for the Home Department was quite satisfactory with respect to the point to which especially the Resolution of my hon. Friend points. The Resolution of my hon. Friend points distinctly, almost exclusively, to the intentions of foreign Governments; and the reply is, "We will tell you about the intention of the English Government upon a different point—namely, the hospitality shown to foreign refugees." Still I am willing to accept the statement of the right hon. Gentleman as even larger than his words would appear to indicate; and, as the present Ministry are supposed by the Austrian Government to sympathise more fully with the principles of that Government than the preceding Ministry did, as it appears that at last amicable relations have been restored, which we are told have not existed for the last five years—and I can refer to this the more freely, that the new state of things dates not from December, but from February—as it appears, I say, that there is now such friendly and mutual confidence between the British and Austrian Governments, and that there is no longer any danger of annoyance to British travellers in the Austrian dominions; since my hon. Friend (Mr. M. Milnes) may probably think the discussion which has taken place will have sufficiently accomplished the object he had in view in bringing the matter forward; and lest the motive may be considered by the Government of Austria as a rebuke for an offence which has ceased to exist, or might in any way render less satisfactory the relations between the two Governments—I would venture to suggest to my hon. Friend that, if the Government should think it better to move the previous question than to agree to the Motion—for I presume they will not attempt to negative it, because it contains assertions which nobody can deny—my hon. Friend should acquiesce in that mode of disposing of his very proper, and, I trust, useful Motion.

SIR JOHN WALSH said, he thought that the hon. Member for Pontefract (Mr. M. Milnes) had totally failed to show that the Austrian Government intended to inflict any hardship upon British travellers in their dominions. And indeed the noble Lord who had just resumed his seat had told the House that the regulations which the Austrian Government had lately adopted were perfectly fair, and such as it was open to any foreign Government to adopt for the purpose of excluding foreign refugees. It appeared to him that the real fact of the case was this—that in times when Europe was in a much more peaceable state than it had been lately, many passport regulations were, as a matter of favour, waived by Austria; and all the Government of that country had now done was to notify to us that in the altered circumstances of Europe it would be necessary to enforce those regulations (which had always existed) more precisely than hitherto. He believed it was a universal passport regulation over the whole of the Continent that a foreigner entering any State should be furnished with a passport emanating from the authorities of his own country, and countersigned by some authority of the country which he visited. He believed that this regulation had been relaxed in favour of our Continental tourists, who had frequently been allowed to make the whole tour of Europe with French passports; and the Austrian note of March 5, was merely a notification that these regulations would in future be more strictly enforced. His right hon. Friend the Secretary of State for the Home Department had not thought it necessary to reply to the particular case of the hon Member for Pontefract, for he had really failed to lay any ground for his assertions. It might be fairly assumed that there were no regulations now in force in the Austrian dominions directed especially against British subjects, and that there were at all events no regulations bearing the character of any peculiar and unusual severity. He trusted that the hon. Member would follow the advice of the noble Lord the Member for Tiverton (Viscount Palmerston), in not opposing the previous question; but still he (Sir J. Walsh) could not help regretting that this subject had been brought before the House at all, for it must evidently give rise to speeches which could have no other effect than to produce great irritation in foreign countries. The irritation which had existed seemde to have been very much allayed, by recent circumstances; and was it desirable that anything should be done to renew it? Hon. Gentlemen had expressed their desire to perpetuate peace; but he (Sir J. Walsh) submitted that a discussion of this kind might sow the seeds of war. The subject of foreign refugees was a most difficult one; and he rejoiced to perceive that the Governments of foreign countries, no longer alarmed by the apprehensions of revolution and convulsion, were disposed to recede from the demands they had made, and were not disposed to press them with the force that they did some time ago. The hon. Gentleman (Mr. M. Milnes) had made one great omission in stating the case of those refugees. There was no Gentleman who would contest the right of England to afford protection to all refugees and political exiles seeking an asylum on her shores as refugees in consequence of political convulsions in their own country. He was sure that every Englishman would be ready to defend the right to afford them shelter, even though it involved the great alternative of war; but that was not the whole of the case with respect to those refugees. When they came to this country to seek an asylum, they were not satisfied to remain quiet, and to sleep under the shade of the British oak, guarded by the British lion. They forgot that when they came to this country they should not disturb the tranquillity of foreign States, or attempt to excite revolutions in their own country. That was the grievance, indeed it was the strong point, of the foreign Powers; and they accordingly said to the British Government, "We grant your right to be hospitable; but when it interferes with our country, and when endeavours are made to create revolutions against our Governments, it is an abuse of the hospitality you offer to them, and disentitles them to your protection." That was the difficult question they might have been called upon to decide if the state of Europe had continued to be as menacing as it was some time ago. A very strong position was laid down on the subject in a despatch of Count Walewski, and in a State paper of Count Nesselrode, who mentioned no less than six cases in which he conceived there were acts of hostility emanating from those refugees against the Governments of their country. He (Sir J. Walsh) also believed in the existence of formidable societies of foreigners in this country in connexion with kindred societies abroad, which, under the shelter of the British Government, proceeded to acts of sedition and treason against the Governments to which they belonged. The acts of which those parties were guilty would be punished as treasonable if committed by British subjects, but because they were the work of foreigners they went unscathed. There could be no doubt that by many of those refugees the rights of hospitality had been grossly abused, whereas it might have been expected of them that they would have abstained from overt acts of hostility in the land which afforded them an asylum. Though the law could not touch those refugees, and though the Government of this country could not interfere, still they afforded some grounds for the complaints that had been addressed to them by foreign Governments. He (Sir J. Walsh) did not say he would support an extension of the present law respecting refugees—he did not think it would be practicable to pass any such law; but, stating the case fairly, he must say that there was a stronger *primâ facie* case in favour of foreign Powers than many hon. Gentlemen might think. He thought that feelings of honuor towards the country that gave them refuge should dictate to those refugees the propriety of abstaining from the commission of acts which must have a tendency to affect the friendly relations between that country and foreign States. He had little sympathy for many of those refugees —he had little sympathy for men who had been the real cause of the entire failure of the attempt to establish a constitutional monarchy in Italy—he had little sympathy for the men who had stimulated the assassination of Rossi, or for the men who had plunged France into a state of anarchy and misery from which she had been only able to find refuge in the arms of absolute power. He would say that those men had not been the real friends of liberty. And if, for the honour of England, they were bound to afford them an asylum, they were not bound to afford them their sympathy. He hoped they would not be called upon to divide upon this question, because he was quite sure that in the present state of affairs in Europe, the less they were made the subject of discussion in that House, the better. Considering the immense importance of peace to the country, and that every day their very existence and the supply of the food of the people became more dependent upon foreign countries, they should take care that they did not needlessly provoke the hostility of foreign Powers.

Mr. VERNON SMITH said, he agreed with what had been said by the right hon. Gentleman the Secretary for the Home Department, and his noble Friend the Member for Tiverton (Viscount Palmerston), that if there had been an angry correspondence between this country and foreign nations, which had now come to an end, it would be better not to revive it. Still the hon. Member for Pontefract's Motion was a reasonable one, and had elicited much from the Government. He (Mr. V. Smith) wished to elicit something more. He wished to know whether British travellers in Austria would continue to be subjected to additional inconvenience, and, if so, whether that was to be done in consequence of the refusal of our Government to do that which they had no power to do? He wished particularly to call the attention of the House to the letter of the 9th December, 1851, containing the first menace. The Austrian Minister stated—

> "Would Austria not be justified to employ this line of argument as against England, if the British Government should not find means to put an end to the aggressive machinations directed against the tranquillity of the Austrian empire by political refugees residing in England? And would English travellers be entitled to complain, if, coming from a country where manifestations, and, what is more, acts, openly hostile to Austria are tolerated, they should henceforth be no longer admitted into that empire except under the safeguard of exceptional precautionary measures?"

Then came the correspondence between Earl Granville and Prince Schwarzenberg, and subsequently that with the Earl of Malmesbury, on which his noble Friend (Viscount Palmerston) had commented with much wit and good humour; and he (Mr. V. Smith) must say, with regard to that singular letter, that he believed it was quite unusual for the Government of one nation to compliment a particular Government of another country upon its accession to power. He entirely denied the interpretation put upon that letter by a right hon. Gentleman opposite—that the congratulations referred to the close of the controversy, and not to the accession of the Earl of Derby's Government. They had heard a great deal of the phrase commonly used by a late monarch, *Le cher Aberdeen;* but he thought that the "dear Derby" of this correspondence would supersede that. As he understood, the exemptions which had always been allowed to British subjects in Austria had been withdrawn—and why? Because the demand to expel refugees from this country had not been complied with. Was it not the fact that British travellers were now in a worse position than they were formerly; either that exemptions they enjoyed had been withdrawn, or fresh inconveniences put on them, and that because the demands with regard to foreign refugees in this country had not been complied with? Unless Her Majesty's Government stated that British travellers were restored to the privileges they formerly enjoyed, he thought his honourable Friend would be justified in dividing on his Motion, although he admitted that adopting the course of moving the previous question would be more advisable in a case where the acts of a foreign Government were not denied, and when it was not desired that a Resolution condemning them should be passed by the House. He hoped that some Member of the Government would give a satisfactory answer to the question whether

British travellers in Austria now stood in a worse position than they did before ?

Mr. BAILLIE COCHRANE said, that although no despatch had yet been published from which it appeared that the menace of the Austrian Government had been withdrawn, he found it stated in an article in one of the newspapers, that that Government, so far from wishing to place greater restrictions in the way of British subjects passing through the Austrian territories, or to render a residence in Austria in any way disagreeable to them, intended to adopt with respect to them precisely the same regulations which were applied to all other foreigners visiting the Austrian dominions. He could not agree with the noble Lord (Viscount Palmerston) when he expressed his gratitude to the hon. Member for Pontefract (Mr. M. Milnes) for bringing forward this question. He (Mr. B. Cochrane) did not know whether the Motion had been brought forward in conformity with the wishes of the noble Lord, but he could not but regret the language that had been used in the course of the discussion. He thought the result of the Motion would be most mischievous, and that it was much to be regretted that it had been brought forward. The noble Lord the Member for Marylebone (Lord D. Stuart), and the hon. and learned Member for Youghal (Mr. C. Anstey), had used language which made him (Mr. B. Cochrane) think that the results of the Motion must be highly mischievous—and it was much to be regretted that it had ever been brought forward. The language he had heard that night formed a strange contrast to the moderate and calm self-reliance which characterised the admirable despatches of Earl Granville and the Earl of Malmesbury. The hon. Member for Pontefract (Mr. M. Milnes) found fault with the Imperial Government for expressing kindly feelings towards this country, for—no matter on what account—the Imperial Government did express kindly feelings, and avowed the confidence it entertained in the good intentions of Her Majesty's present Government. But what was the language that had been used in that House ?—language which he believed it to be highly improper to apply to an ally of the Crown. The hon. and learned Member for Youghal (Mr. C. Anstey) had applied the term "perjured despot" to the Emperor of Austria. He (Mr. B. Cochrane) did not know how far the rules of the House would permit such language to be applied to an ally of this country. Again, the hon. and learned Gentleman had charged Prince Schwarzenberg with falsehood and unheard-of insults. Now, if discussions on foreign questions in that House were to be thus conducted, and if such language was to be applied to the First Minister of the Imperial Government by a Member of the British Legislature, he thought their debates, so far from being either advantageous or dignified, would be positively disadvantageous, and would be calculated to bring their proceedings into contempt. The noble Lord (Lord D. Stuart) had alluded strongly to the despatch in which what he termed the menace was contained—but he might not perhaps be aware of the circumstances under which that despatch was sent. It was written after a speech had been delivered by M. Mazzini in this city; and he thought, when the House heard the language of that speech, they could not be surprised that the Austrian Government had felt some alarm as to the effects of such language. M. Mazzini said—

> "Their cause was a popular one, and their secret association throughout this land was such that messages could be despatched from town to town with nearly as much security as they could between London and Dublin."

M. Mazzini further called upon the English people to aid him in creating an organised public opinion, and in disseminating his views throughout the country by means of pamphlets, lectures, and newspaper articles. Now, when a person in the position of M. Mazzini made use of such language—when he talked of an organisation in this country to disseminate the opinions of the Italian Socialists—he (Mr. B. Cochrane) thought the Austrian Government, not knowing the exact value to be placed upon such expressions or boastings, might fairly consider it a case in which such a despatch as had been referred to might be written. The noble Member for Marylebone only a night or two ago pointed out the blessings that might be derived from universal suffrage and the ballot; but that noble Lord had now applied the strongest epithets to the President of the French Republic, whose position was the result of universal suffrage and the ballot. The noble Lord had also strongly deprecated the cruelties of Austria towards her rebellious subjects, and the misconduct of Austrian officers towards Mr. Mather, a British subject, at Florence. He (Mr. B. Cochrane) believed, however, it was commonly reported that the noble Lord—who had now an opportunity of correcting the report, if it was incorrect—was one of those who went down to Barclay's brewery to congratulate the men who attacked Marshal Haynau in a most cowardly and discreditable manner, violating every feeling of hospitality and humanity. He could see nothing undignified in the language of the despatch to which the hon. Member for Pontefract (Mr. M. Milnes) had mainly referred, or anything that would justify the attack of that hon. Gentleman, whose conduct would, he thought, be deemed by the Austrian Government the unkindest cut of all. "If mine enemy had done this, then I could have borne it, but it was my companion, and my own familiar friend." He (Mr. B. Cochrane) had no doubt that if the hon. Member for Pontefract looked back to his journal, he would be reminded how cordially he had always been received by those very Powers whom he had judged, within the last two or three years, with so much severity; and he was sure that if the hon. Gentleman returned to those Courts he would be received with the same hospitality which had been exhibited towards him on previous occasions.

Sir HARRY VERNEY said, that the hon. Member who had just sat down perhaps did not know that British subjects had recently been expelled from Hungary, under circumstances of great oppression and hardship. Scotchmen and their families had been expelled from Pesth without being guilty of any violation of any law; and Captain Pakenham and others had been sent away from Florence for no fault being alleged against them, but simply from the fact that they had been found reading the Bible, and uniting in family prayer. He could also inform the House, from his own experience, that every possible inconvenience and trouble were heaped upon English travellers. The noble Lord (Viscount Palmerston), who was so well qualified to advise them on this matter, had suggested that the House should not be forced to a division, and he trusted that the noble Lord's suggestion would be accepted. The noble Viscount had been long recognised as the protector of British subjects in every part of the world. He had known it from his own experience; and he could tell the hon. Member (Mr. B. Cochrane) that under the Government of the noble Viscount, the fact of being a British subject, and the fact of the noble Viscount being a Minister who had the will as well as the power to enforce the respect due to the British name, had made an English passport the talisman of safety and respect in every part of the world.

Mr. HENLEY said, it was not unnatural, in the state of things which had taken place during the last three or four years, that many persons, without having anything to do with those transactions, might be exposed to inconvenience, and that was a matter which should not be lost sight of in considering this subject. The fact was, as had been stated by the noble Lord (Viscount Palmerston), that more than 2,000 persons, not British subjects, had had the protection of English and French passports granted to them in order to facilitate their removal from places which had derived great advantage from their absence. Under these circumstances, no doubt, many parties had received that protection who were undeserving of it. At the present moment, as heretofore, however, to be a British subject was a claim to respect in any part of the world, because it had always been known that England was a Power which would see no injury inflicted upon its subjects without ample reparation. He (Mr. Henley) was one of those who thought that any and every Government in this country must always act on that principle. The noble Viscount had alluded in humorous terms to the letter addressed by the Austrian Ambassador to the Earl of Derby; but the commendations in that letter could only fairly be taken as applicable to the principles expressed by the Earl of Derby—not to any particular set of men, but to the principles they professed. Now, with regard to the question put by the right hon. Gentleman opposite (Mr. V. Smith), he was not aware that any possible inconvenience could have arisen to any British subject in consequence of the despatches which were the subject of the present discussion; and he certainly had not heard, nor did he believe that any such inconvenience existed. When the right hon. Gentleman asked whether the restrictions which had been threatened to be put upon British subjects were now at an end, he had only to say, in reply, that he thought they had a right to consider that what was called the semi-official paper transmitted by our Minister at Vienna to this country, did give a different complexion to the matter, and that all the Austrian Government meant in future to enforce was, that British passports should be available only to British subjects, and that the subjects of all nations should be put under the same category. That was not a case of which a British subject had any right to complain. With regard to the missionaries who had been expelled from Hungary, their case had no reference to the questions under present discussion. Whether religious feelings were at the bottom of their expulsion, or whatever it was, it had no reference to political circumstances. The previous question had been suggested as the proper mode of meeting this Motion. He quite agreed in that suggestion, and in accordance with it he begged to move the previous question.

Mr. MONCKTON MILNES, in reply, said, that he should but inadequately acknowledge the kindness with which the House had bestowed its attention on the subject, if he showed any unwillingness to follow what appeared its general desire that it should not divide on the present question. At the same time, he must maintain that the words of his Motion were, on the whole, so moderate, and couched in so amicable a spirit to the foreign Government to which it alluded, that he did not think the general consent of the House to the Resolution would have had any other meaning than implied by the present course, namely, that they regretted the circumstances which had led to the language used in the despatch of the Austrian Minister, and that the feeling of the House was that that language was profoundly to be regretted. He had been a follower of the noble Lord the Member for Tiverton (Viscount Palmerston) when he had recommended energetic measures, and now he was not disposed to differ from his counsel when he advised moderation. The noble Lord was a far better judge upon such a subject; and if he thought the object in view could be obtained, he (Mr. M. Milnes) would not attempt to put forward his inexperience against the knowledge of the noble Lord. The hon. Gentleman the Member for Bridport (Mr. B. Cochrane) had stated that the present Motion was an ungenerous one, considering the especial favour which the Government of Austria had extended to him (Mr. M. Milnes). Now, in reply to that statement, he could only say that in the course of last year he had been stopped on his journey through the Austrian dominions, and had not been allowed to proceed further. So trivial a circumstance happening to so very unimportant a person as himself, he would not have presumed to refer to on an occasion like the present, and he now only alluded to it by way of reply to the remark of the hon. Member for Bridport. On all the other occasions in which he had come in contact with the officials of the Austrian Government, he had been treated with the utmost civility. He believed that the feeling of the people of Austria was favourable to this country, and it was upon that account he regretted the language of Prince Schwarzenberg's despatch. He thanked the right hon. Gentleman the Secretary for the Home Department for the manner in which he had made the announcement that the right of an asylum in this country should never be tampered with so long as he was connected with the Government. He trusted that the spirit of the right hon. Gentleman would inspire the rest of the Government to which he belonged, and that he would maintain the dignity of this country, and the rights of hospitality, combined with those feelings of respect for so important an ally of England as the Austrian Empire was, and ever would be. For his own part, nothing would give him more satisfaction than to see such a modification of the government of that empire, as would make it as useful a member of the European body, as it was a great and mighty country.

Whereupon the *Previous Question*, "That the Question be now put," was put, and *negatived*.

HARWICH BOROUGH.

Sir De LACY EVANS rose to move for leave to bring in a Bill for the purpose of appointing Commissioners to inquire into the practices of bribery and corruption that were alleged to exist in the Borough of Harwich. He said the Bill which he proposed to bring in was nearly word for word the same as that which had been passed with regard to the Borough of St. Albans. His hon. Friend the Member for St. Albans (Mr. J. Bell) had asked why St. Albans had been selected when so many other boroughs were accused of corruption? He thought he would be able to show, not only that there was a *primâ facie* case for believing that corruption did exist in Harwich, but he would be able to adduce proofs of its actual existence, and further, that Harwich was in a situation which no other corrupt borough was in. It could not be said that he brought forward this Motion for the purpose of impeding the action of the present Government; he had given notice of a similar Motion last year, and he was now only following up the course which he recommended then. Nay, he was following up the course adopted last year by a Member of the present Government, the right hon. the Judge Advocate (Mr. Bankes), who in the course of last Session moved for a Committee to inquire into the corruption that was alleged to exist in the borough, and who had his Committee granted to him, though from circumstances that Committee had never met. He (Sir De L. Evans) thought the right hon. Gentleman was bound to have followed up his Motion this Session, or if the onerous affairs of his office prevented him from doing that, at all events he hoped the right hon. Gentleman would second the present Motion. He (Sir De L. Evans) only proposed to go back ten years with regard to the corruption existing in the borough, though in the case of St. Albans the Commissioners were allowed to go as far back as they thought expedient. When the subject was last discussed, the hon. Member for the West Riding of Yorkshire (Mr. Cobden), and the noble Lord the Member for Marylebone (Lord D. Stuart), expressed their opinion in strong terms. As regarded the evidence of corruption, he (Sir De L. Evans) laboured under an *embarras des richesses.* The first petition, presented in 1841, was stopped by one of those compromises which induced the hon. and learned Member for Sheffield (Mr. Roebuck) to move his celebrated "Compromise Committee" in 1842. The next petition was in 1848, in reference to the election of 1847, and then Mr. Attwood was unseated on the ground of bribery. There was then another petition against Sir John Cam Hobhouse, who was elected in his place in 1848, but that petition was abandoned, as it was stated, in consequence of Mr. Attwood being unable to sit, even if Sir John Cam Hobhouse had been unseated. Then in the course of 1851 there were two elections, and petitions against both returns; but both parties abstained from carrying on the petitions, lest the borough should be disfranchised. There were, certainly, other boroughs in as bad a repute for bribery and corruption as Harwich; but he believed that there was not a borough in the kingdom which had been twice convicted, as that borough had been, within the last ten years. Now, it must be remembered that in this borough, which was so active with regard to petitions, the population was gradually declining. In the census of 1831 the population amounted to 3,051, and by the census of 1841 it appeared to have lost 411 of its inhabitants. But the curious circumstance was, that while the population was declining, the number of voters was augmenting. In the Committee on Compromises, to which he had already referred, Mr. Attwood, then a Member of this House, was examined as a witness, and stated with regard to the compromise that one of his agents came to him and told him that it would require 2,000*l.* to carry the arrangement of this compromise into effect. He thought such a demand very extraordinary, but he gave the money, and there the matter rested. The arrangement was that the petition would be withdrawn if he deposited 2,000*l.*, and if Major Beresford vacated his seat. He further admitted that he had paid 6,000*l.* before that to his agent, Mr. Moss, but he declined to say how much more the election had cost him, for he kept no accounts; but he added that it was notorious such proceedings as bribery were carried on. This gentleman also spoke of bribery as an indiscreet proceeding, in which he would be very sorry to be again found engaged. In 1847 Mr. Attwood again figured in the blue books, as carrying on most extensive proceedings, for it appeared that he was engaged in corrupting voters, not only at Harwich, but also at Lyme Regis, and it was said also at Kinsale and Athlone. He had been looking for the blue book that referred to the elections of 1841 in the Library, but he could not find it; and he was told that it was last traced into the hands of the right hon. the Home Secretary. [Mr. WALPOLE: I have not had it.] He was only going to say that if the right hon. Gentleman had studied that blue book, he was sure he would support this Motion. They had heard much of late of the proceedings of Messrs Blagg and Edwards at St. Albans; but he was sure those who were acquainted with the proceedings of Mr. Moss at Harwich would think that they were mere pigmies compared with him. Mr. Moss not only distributed bribes, and that on a large scale, but he acted as the exponent of the political opinions of his principal. Thus, in the election of 1841, he published an address to the "constitutional electors of Harwich," announcing that Mr. Attwood and Major Beresford would shortly arrive in town; and among other promises he made in their name was one that the electors' Church Rates would be reduced. Being questioned as to this point by the Committee, he said that he did hold out to the electors a hope that their Church Rate debt would be extinguished—that was to say, that it would be paid for them. Mr. Currie, another of Mr. Attwood's agents, stated that he had in his possession a list of thirty-three electors, among whom he had paid away the sum of 3,000*l.* for their votes, some of them having received considerably above 100*l.* each. This was far above anything that had been proved against the St. Albans voters, where the bribes amounted only to 2*l.*, 3*l.*, or 5*l.* Mr. Currie declined to produce this list before the Committee; but if such a Commission were issued as was now proposed, he thought all would be divulged. He would then come to the election of 1847, and the petition of 1841, and though Mr. Attwood stated in 1842 that he would never again be guilty of such an indiscreet proceeding as bribery, yet it would be seen that he had not altogether kept his word, for within a few years he was again very indiscreet; for what was the decision of the Committee in 1848? It was this:—

> "Resolved, that John Attwood, Esq., is not duly elected a burgess to serve in this present Parliament for the borough of Harwich; that the last election for the borough, so far as regards the return of the said John Attwood is a void election; and that the said John Attwood was, by his agents, guilty of bribery at the said election."

He (Sir De L. Evans) had already stated that Mr. Attwood did not confine his operations to Harwich. There was a Committee on the Lyme Regis election. Mr. Attwood was not a candidate on that occasion, but the decision at which the Committee arrived was to this effect:—

> "That it appears from the evidence that an hon. Member of the House, John Attwood, Esq., has since the year 1842 purchased a considerable property in the neighbourhood of Lyme, and that he has been in the habit of granting loans of money on property to voters, on condition that such voters should on any future occasion vote for him or any one he may appoint to be a candidate for the representation."

The Committee then stated that it appeared the petition had been set on foot by Mr. Attwood, acting through his agent, Mr. Templer; that he bore the expense of it; and that he also bore the expense of a former petition in 1842, which amounted to 9,000*l.* The Committee concluded by expressing their desire to impress upon the House the necessity of putting an instant check to such transactions, which operated as a grievous snare to the voter, and totally destroyed all freedom of election. Such had been the proceedings of Mr. Attwood both at Lyme Regis and at Harwich. Since then there had been two or three elections at Harwich; but on petitions the cases of bribery were not gone into, the Members being unseated from other causes; but sufficient had oozed out in evidence to show that corrupt practices had not ceased in that borough. He thought he had now shown that no borough in the kingdom was similarly situated, and that it was in a most wretched state of corruption. With regard to Lyme Regis, it had been stated by a correspondent in the *Times* that a blight had rested on it; and it had been gradually descending and descending to its ruin until it had become, perhaps, one of the most miserable places in all the country; and all this in consequence of these practices of corruption at the elections. He would not trespass further upon the House, but would appeal to it to give him permission to introduce the Bill he now proposed. Every one who was anxious to promote the morality, the good government, the credit, and the honour of the country, and who considered it a duty to maintain the purity of their representative system, must agree in the Motion which he now submitted to the House.

MR. TENNYSON D'EYNCOURT seconded the Motion.

Motion made, and Question put—

> "That leave be given to bring in a Bill for appointing Commissioners to inquire into the existence of Bribery in the Borough of Harwich."

MR. KER SEYMER hoped the hon. and gallant Member for Westminster (Sir De L. Evans) would not charge him with acting uncourteously because he took that early opportunity of rising to oppose his measure. The question before the House was this. The people of Harwich were at that moment deprived of their constitutional rights; and if the hon. and gallant Gentleman's Bill were brought in now, those rights would be suspended during the whole of the Session, under any circumstances. And believing that no Parliamentary case existed for this measure of disfranchisement, he (Mr. K. Seymer) felt himself obliged to take this the earliest opportunity of opposing the Motion. How stood the case of Harwich? Why was it now before the House of Commons? And why was it that that borough was not in the enjoyment of its two Members? He would tell them why? After the second election for Harwich last year, a petition from certain electors of that borough was entrusted to his right hon. Friend the Judge Advocate for presentation to that House, complaining, not of corrupt practices, as might be supposed from the hon. and gallant Gentleman's speech, but of the intimidation which was practised by Her Majesty's late Government. His right hon. Friend subsequently proposed a Committee of Inquiry into the allegations contained in that petition; and he was bound to state in justice that the late Government did not oppose his right hon. Friend's Motion. A division, however, took place, and a Committee was appointed, but in consequence of the late period of the Session no proceedings took place; and he believed that it was on account of his right hon. Friend having moved for that Committee, that the writ for Harwich had been suspended. From circumstances which were connected with Harwich—from its maritime position, and from its having formerly been a great packet station, he believed that Government interference to a considerable extent had taken place in that borough; and he must say that when one man bartered his vote for a situation in the Customs, it was going no great step further if his next-door neighbour did exchange his vote for a 10*l.* note. Honourable Purists opposite would, however, admit with him that neither of these motives ought to induce an elector to give his vote. The Members of the Harwich Committee over which he (Mr. K. Seymer) presided as Chairman last Session, were indefatigable in the attention they gave to the case which was then brought before them. They entered into a tedious scrutiny, which lasted several days; and he maintained that it was impossible for bribery to have prevailed extensively at the election into which they were inquiring without their discovering it; and he felt sure that if they had found that any of the parties were endeavouring to keep back evidence of bribery, the Committee would have taken ulterior measures with the view of enforcing the production of that evidence. He knew he should be told that there were allegations of bribery in the petitions. Of course there were. They must all know what was the duty of Parliamentary agents in such cases. They were bound to insert anything they were desirous of proving; and a Parliamentary agent having to do with the borough of Harwich, which he (Mr. K. Seymer) confessed had not a very good reputation, would not be doing his duty if he omitted allegations of that sort. He believed also that where local parties—he meant Yellows and Blues, or Reds and Whites—ran high, very few borough elections took place without partial cases of bribery occurring, though not by any means such cases as would justify the issue of a Royal Commission which had disfranchisement for its object. He made this admission at the same time that he was no friend to bribery and corruption. There was nothing peculiarly conservative about bribery and corruption. The influence which was derived from local and hereditary connexion—the popularity which was acquired by an impartial and judicious discharge of magisterial duties—they were legitimate and conservative influences, and they were not at the mercy of any man whom Mr. Coppock might send down from the Reform Club with his bags of sovereigns. He knew that many boroughs were corrupt, but he believed that Mr. Coppock greatly over-estimated his power of corrupting the electors of boroughs throughout the kingdom. And though it appeared to the Committee that there was a certain degree of influence exercised by Mr. Attwood, as influence was exercised in other boroughs—though it appeared, too, that the number of electors at Harwas not great, yet it did not appear that there was such a case of bribery as to call for investigation by this House. If he recollected right, one voter was supposed by the Committee to have been actuated by corruption, and his vote was struck off; but that was all they could say. With regard to what had taken place before the other Committee last year, it appeared that there existed in Harwich the foolish custom, the moment the poll was closed, of rushing and destroying the polling-booth; and it seemed on this particular occasion the people were so anxious to accomplish the work of destruction, that they made the mistake of commencing five minutes too soon, and thus invalidated the election. That was all the case against Harwich at the second election last year. The hon. and gallant Member (Sir De L. Evans) said, that Harwich was a small borough, that its population was decreasing, and that Mr. Attwood had great influence there. But there were other small boroughs besides Harwich which were under influence. Calne, for instance, was a very small borough, and under an influence. Arundel, too, was a very small borough, and under an influence. The noble Lord the Member for London (Lord J. Russell) recently brought forward a measure which he considered a remedy for this evil. If the noble Lord were then present, he (Mr. H. Seymer) should have claimed his vote; for in bringing forward that measure, the noble Lord did not see anything about Harwich to distinguish it from other boroughs. Nor did he (Mr. Seymer). If they were to have a commission issued to inquire into the existence of bribery in boroughs where the voters were few in number, and men might be said to have an influence, he would advise the right hon. Chancellor of the Exchequer to look well to it what became of his surplus, for a good portion of it would pass into the hands of that meritorious and highly-deserving class of gentlemen who were known as barristers of six years' standing. As a proof that in resisting this Motion he was not actuated by any party motives, he might mention that he had been Chairman of the Great Yarmouth Election Committee, which had unseated two Conservative Members on the ground of corruption and bribery. But if hon. Members desired to carry the public with them in their attempts to put down bribery and corruption, they must show that they were actuated by no partial or party spirit, and that what they did for Harwich they were prepared to do for other boroughs. For he could imagine nothing more injurious to the cause of true reform than the existence of a belief in the minds of the people that hon. Members of that House were animated by a feeling with regard either to Mr. Attwood, or to the respective parties in the borough of Harwich. When this question was last discussed, he stated that in case the present Motion was agreed to, he should propose a similar Motion in reference to the borough of Leicester. That intention he had expressed in the heat of debate, and should not persist in it, because he learnt that no bribery was committed in that borough at the last election. But neither ought the Motion now under consideration to be persisted in. Still, though they might be unjust to Harwich, he would not be unjust to Leicester. Here, however, was an extract from the report of the Leicester Election Committee, of which he (Mr. K. Seymer) was Chairman:—

> "It appears to the Committee that the system of bribery and corruption which was carried on at the last election for the said Borough of Leicester was such as to demand the attention of the House."

That, he thought, was something stronger than merely unseating Mr. Attwood, and saying that that Gentleman had been guilty of bribery by his agents. It was on these grounds, then, and wishing to see the House take a just and an impartial view of the question, that he had come to the determination of voting against the Motion.

Mr. CLAY said, it mattered little to him whether the case made out against Harwich by his hon. and gallant Friend (Sir De L. Evans) was such as would be received in a Court of Justice or not, or whether the corruption in that borough was imputable to the late, the present, or any other Government—though, for the credit of all Administrations, he trusted they were all equally free from such disgrace. For him, in a matter of this kind, notoriety was all he required, and he should be greatly surprised if any hon. Gentleman told him that it was not a matter of notoriety that corrupt practices were carried on at Harwich. He had it on the authority of a gentleman who was intimately acquainted with the borough, and whose statements this House would put faith in, that at the election in 1841 two men, father and son, received between them 1,000*l.* for their votes. These men were large barge-owners, and with the money they bought two new barges, one of which they named the *Attwood*, the other possibly the *Plumper*, in audacious commemoration of their own disgrace. In other instances he was informed that voters were made so intoxicated that they never became sober again, but died drunk. Now, if the House would do that which he (Mr. Clay) was determined to do, in the case of all boroughs, large or small, where there was a fair suspicion of corrupt practices, and vote for the issue of such a Commission as was now proposed, he believed that they would, in two or three years, make more progress towards putting it down, than they had done in the last two or three centuries by Election Committees.

Mr. BAGSHAW said, the hon. Gentleman opposite (Mr. K. Seymer) seemed to have a notion that the writ for Harwich had been purposely withheld in order to keep out some Gentleman who, if elected, would have taken his seat on the Ministerial side of the House. He (Mr. Bagshaw) thought the best thing that could happen for Harwich was to let the matter remain as it was until the next general election, and by that general election to let the borough be judged. If the people at Harwich were wise, they would know how to act on that occasion. It was by doing what was strictly honest, just, and correct, that they could hope to do away with the stain that had stuck close to them since 1841. If the course suggested by him were adopted, he thought that the constituency of Harwich, a constituency for which he felt a great respect, would be reinstated in the good opinion of the country.

Mr. WALPOLE said, he proposed, before the House went to a division, to state the view taken by Her Majesty's Government of the Motion of the hon. and gallant Member (Sir De L. Evans), involving as it did a very important question. The House was called upon, on the ground of the notoriety, as it was termed, of bribery and corruption in Harwich, to issue a Commission superseding the common course of the law of the land. But such a Commission ought not to issue except upon a case of gross corruption, clearly established and proved to have recently happened. Such a Commission would have power to call upon parties to give evidence even against themselves, under guards and provisions sufficient to protect them from the penal consequences which would otherwise flow from it; and then in their anxiety to obtain a searching inquiry, the powers exercised by such a Commission were of the most unlimited and extraordinary kind—were, in fact, unless they were called for by an urgent necessity, absolutely unconstitutional; for such Commissions would give to a majority in that House such an enormous means to get rid of boroughs, or even to counties, opposed to their own views, that he, for one, could never consent to such a proceeding unless there was something like a clear proof of the truth of the charge that was brought against them. He wished the House to bear distinctly in mind what was the case with regard to Sudbury and St. Albans, which had been mentioned as precedents for the course they were now called on to take. In Sudbury the bribery was so great that, out of the 276 who voted for Mr. Dyce Sombre, not less than 200 were proved to have taken bribes; and the Commissioners reported that, in their belief, the bribery had been still more extensive, because the sum of 3,000*l.*, which had been sent down to Sudbury, would not have been exhausted by the payment of the ordinary rate of 7*l.* per head to each voter. In St. Albans, according to Mr. Coppock, "to bribe or bleed" was the general practice; the great majority had been always known as men to be bought or sold, without regard to principle or anything else; and Sir Robert Carden, who expressed his experience of the practices prevaling in that borough, declared that the people carried their principles in their breeches' pockets. The Commissioners summed up their Report in these strong words:—

> "The system had so long prevailed, and corruption was so widely extended, that the moral sense of the inhabitants was deadened, and they evinced no shame when they avowed their participation in these practices. From this sweeping charge we are happy to be able to exempt the clergy of all denominations, and some of the principal inhabitants of the town, who united their efforts to put an end to so degrading a system."

The bribery and corruption was not merely partial; it was general and systematic, and was shown to be the accompaniment of every contest. At one of the elections it was proved that out of 270 votes there were only thirty who had not been bribed; and on another occasion, out of 276 voters, 186 were clearly proved to have been bribed. There was then, he would observe, systematic, general, and almost universal corruption; and not only that, but it was recent corruption that had taken place. That, however, was not the case with Harwich: against that borough there was no charge of bribery since the election of 1847, though there had been two elections there since. It could not be said, then, to be just to issue a Commission armed with such unconstitutional powers, when no bribery had taken place at the last election there. The principle on which they should proceed was, that where bribery was extensive, and had recently taken place, they ought immediately to inquire. But they ought not to inquire under less urgent circumstances. With respect to Harwich, though there were petitions against the returns at the two elections which had taken place since 1847, and the sitting Member had on one of those occasions been unseated, it was not on a charge of bribery, but of want of qualification. If they once proceeded on the principle of the Motion, they could not stop short of inquiring into any place at which any Gentleman might declare that bribery had taken place some time or other. Let them take care of vesting such a power in the majority of that House. If there was one thing more than another the House was bound to do, it was to protect the minority. [*Laughter.*] Yes, they might laugh, but he repeated that they should take care the minority was not overridden by a majority in that House claiming enormous and unconstitutional powers. He felt very strongly on this point, for he thought that they might be involved in great inconsistency by adopting the course proposed. They had not a very long Session before them, and they had already disfranchised one borough (St. Albans), though the hon. Member was still allowed to retain his seat, while there was a seat left open for Harwich, which was not disfranchised at all, and which had as much right to its representative as any other place, till corruption had been proved against it. The right course appeared to him to be, first, to prove corruption at a recent election, and next, to institute an inquiry immediately; for if they kept a seat open for twelve months or two years without ascertaining the truth of the charges against the borough, they were depriving the country of its proper number of representatives. He thought it would be very indiscreet, inexpedient, and unwise, on the mere ground of notoriety, to issue a Commission of Inquiry into matters which had occurred two years ago. In this instance he did not think it advisable to move for a writ to fill up the vacant seat, first, because they had already kept it open so long, and, secondly, because they were now on the eve of a general election. He could not give his support to the Motion of the hon. and gallant Member.

MR. JACOB BELL said, it was not his intention to have taken any part in this debate; but as St. Albans had been dragged into it, he begged to make a few remarks. He must revert to the admission made by the right hon. Gentleman who had just addressed the House, namely, that the powers which had been recently exercised in reference to St. Albans were unconstitutional. St. Albans was bad enough, without being made worse than it was; and he thought it was rather severe to exaggerate the amount of corruption which had been proved in that borough. According to the Report of the Commissioners, he thought there were more than 200 electors against whom there was no allegation of bribery or corruption. He thought it unfair, therefore, to state that the corruption was universal there. He would not take any part in the division, as he felt that if he were to vote in favour of the Motion, he should be voting in opposition to the arguments which he had uniformly used against the late proceedings at St. Albans; and if he were to vote the other way, he would be apparently voting in favour of corruption. All he desired was justice, and he felt that any proceedings which the House might adopt which were not founded on justice, would not be productive of any good.

MR. M. J. O'CONNELL said, in reply to the opinion which had been expressed by the hon. Member for Hull (Mr. Clay), as to the non-effective working of Election Committees, that he had sat last year upon two of those Committees, and in both of them the Members were unseated, one of the cases being for the smallest possible amount of bribery. He believed the alterations in the law effected by the late Sir Robert Peel had been attended with the best possible results, and that the decisions of the Committees were now given totally uninfluenced by any party feelings or consideration.

MR. CLAY explained that he had not intended to throw any doubt upon the character of Election Committees, but considered that, as at present constituted, they were not the best tribunals to inquire into the subject of bribery at elections.

MR. T. DUNCOMBE said, he was surprised to hear the right hon. the Secretary of State for the Home Department assign as a reason for not issuing the writ for the borough of Harwich, the fact that a general election was near at hand. If that argument were to be allowed any weight, the writ might be withheld from any large constituency whose Members might die, because an election might probably take place in "May, June, or July." The reason why the writ had not been issued before was, that the inquiry was pending. The House was now bound to do one of two things—either to grant leave to bring in the Bill asked for by his hon. and gallant Friend (Sir De L. Evans), or else issue a new writ to-morrow. It was an act of great injustice to withhold the issue of the writ to a borough which they were told was so pure and immaculate as the borough of Harwich. On the other hand, if the borough was so pure, what objection could there be to allowing the Bill to be brought in? If the Motion were not agreed to, he would move to-morrow the issue of a new writ for the borough of Harwich.

Mr. WALPOLE begged to explain, that he did not lay down the opinion that it was a constitutional course to suspend the issuing of a writ on the eve of a general election. But, coupling it with the fact of their having suspended the writ for more than twelve months, he for his own part did not think it right to move that it should be now issued. The House might do it if it chose.

Mr. BANKES said, that, upon one petition from Harwich the Member was unseated on the want of qualification; and that, upon the next election, the same Gentleman lost his seat by no more than five votes. A petition was sent to him, stating that three of the five voters who constituted the majority at the last Harwich election had been intimidated by the late Government. The petition had been placed in his hands by persons whom he believed to be respectable; and he had no further interest in the matter whatever. At the beginning of the present Session there had been no petition praying for a renewal of the inquiry, and therefore although the same Government was then in office, he had not thought it his duty to press the subject. It was quite true that he had moved for a Committee, but that was a very different thing from a Commission. With regard to the case of St. Albans, there had been a technical difficulty as to the adjournment of the Committee, and that had vitiated their whole proceedings. So far was he from wishing to stretch the power of the Constitution, that he had voted against that Commission, thinking that its powers should be entrusted to Members of that House; and he wished they had been so. The House would have stood higher had that inquiry been conducted by its Members. That Commission had shaken their jurisdiction, and had tended to invalidate the decisions of their Committees. At present, he saw no ground for the proposed Commission. Had a Committee been proposed, supported by such a petition as he had presented, he would have voted for it. If the hon. Member for Finsbury (Mr. T. Duncombe) would move the issue of the writ for Harwich, he would vote with him.

Mr. DEEDES said, he had acted as Chairman of the second Harwich Election Committee. No evidence as to bribery was laid before them, nor was any conclusion come to on that subject. The Committee's decision was founded entirely on a point of law as to whether the poll was kept open the proper time—whether it had been interrupted by improper violence—and whether the returning officer had taken the steps he ought to have taken. The Committee thought he had not done so, and consequently deemed it a void election. He disagreed with the hon. Member for Finsbury (Mr. T. Duncombe) in the opinion that if a borough was immaculate, a Commission of Inquiry ought to be issued whenever any hon. Member considered it right to move for it. He could not help thinking that Harwich was rather hardly dealt with, and he saw no reason why a writ should not issue. It was altogether an unfair proceeding.

Sir De LACY EVANS, in reply, said, he was not aware that the minority had any such peculiar claims to consideration as had been urged by the right hon. Home Secretary; he (Sir De L. Evans) had always understood that the majority decided everything. He felt justified in asking for the appointment of the Commission by reference to the case of St. Albans, from which he contended great benefit had resulted.

Mr. ROEBUCK said, he could not agree with the right hon. Gentleman the Home Secretary that a Commission was founded on a principle adverse to the law of England; for he (Mr. Roebuck) denied that any man was called on to give evidence against himself. The witness was protected from the consequences, and called on to tell what had occurred. But he considered that for the *laches* which had occurred in not prosecuting the inquiry into the case of Harwich, the House was alone blameable. The inquiry ought to have been instituted earlier, and it appeared to him that it was now too late to open up the question. He could not see why at this time of the day they were to issue a Commission of this sort, and, moreover, he felt certain that the House ought not to allow that night to pass without issuing a new writ for the borough. If the Motion for an inquiry had been made a year ago, he would have supported it; and it seemed to him that the best thing they could now do was to allow Harwich to have another chance of removing from it the imputations which had been attached to it. He had very little doubt, from what he knew of the place, that it was very corrupt; but as Parliament had not had the courage to institute the inquiry a year ago, he had not the courage to support a Motion for doing so now.

The House *divided*:—Ayes 95; Noes 137; Majority 42.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Baines, rt. hon. M. T.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Bunbury, E. H.
Carter, J. B.
Cavendish, hon. C. C.
Childers, J. W.
Clay, Sir W.
Clifford, H. M.
Cockburn, Sir A. J. E.
Cowan, C.
Davie, Sir H. R. F.
Dawes, E.
D'Eyncourt, rt. hn. C. T.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ellis, J.
Enfield, Visct.
Evans, W.
Ewart, W.
Foley, J. H. H.
Geach, C.
Glyn, G. C.
Greene, J.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hindley, C.
Hobhouse, T. B.
Howard, hon. C. W. G.
Humphery, Ald.
Hutt, W.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Martin, J.
Matheson, Col.
Milligan, R.
Milner, W. M. E.
Moffatt, G.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
Norreys, Lord
O'Flaherty, A.
Ogle, S. C. H.
Osborne, R.
Pechell, Sir G. B.
Peto, S. M.
Pilkington, J.
Price, Sir R.
Ricardo, J. L.
Ricardo, O.
Romilly, Col.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Smith, rt. hon. R. V.
Smith, M. T.
Stanton, W. H.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Talbot, C. R. M.
Tennent, R. J.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Trelawny, J. S.
Verney, Sir H.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Williamson, Sir H.
Wilson, M.
Wyvill, M.

TELLERS.

Evans, Sir De L.
Clay, J.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bagot, hon. W.
Baillie, H. J.
Baldwin, C. B.
Bankes, rt. hon. G.
Baring, T.
Barrow, W. H.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Blandford, Marq. of
Boldero, H. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cabbell, B. B.
Carew, W. H. P.
Chandos, Marq. of
Child, S.
Christopher, rt. hn. R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Collins, T.
Compton, H. C.
Cotton, hon. W. H. S.
Cubitt, Ald.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Estcourt, J. B. B.
Farrer, J.
Filmer, Sir E.
Forester, hon. G. C. W.
Freshfield, J. W.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gore, W. O.
Goulburn, rt. hon. H.
Greene, T.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Heald, J.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Hildyard, R. C.
Hill, Lord E.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, W.
Mitchell, T. A.
Morgan, O.
Mullings, J. R.
Naas, Lord
Napier, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Portal, M.
Reid, Gen.
Renton, J. C.
Repton, G. W. J.
Rushout, Capt.
St. George, C.
Seymer, H. K.
Smollett, A.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Sutton, J. H. M.
Taylor, Col.
Tennent, Sir J. E.
Thesiger, Sir F.
Trevor, hon. G. R.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vesey, hon. T.
Villiers, Visct.
Walpole, rt. hon. S. H.
Whiteside, J.
Wigram, L. T.
Willoughby, Sir H.
Wodehouse, E.
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Bateson, T.
Lennox, Lord H.

HARWICH WRIT.

MR. T. DUNCOMBE said, he considered that, as the House had decided that no inquiry should take place, it had no right to disfranchise the borough, and he should therefore move that Mr. Speaker issue his warrant for a new writ for Harwich.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Harwich, in the room of Robert Wigram Crawford, esquire, whose Election has been determined to be void."

Mr. BRIGHT said, that the Motion appeared to follow somewhat naturally from the course taken by the Government; but there was no necessity in his opinion why it should be made so immediately. On one or two former occasions an attempt had been made to move for a writ for Harwich, and the opinion of the House was, that the writ should be suspended for some time longer, for some reason which was not very distinctly explained; but there was an understanding which he thought would not be denied, that notice should be given before the writ was moved for. He was not going to argue the necessity of issuing the writ, but he was prepared to contend that, under the circumstances of that evening—after a debate which was not supposed to have any special reference to the Motion before the House—it would not be fair, taking into account the understanding he had referred to, to assent to the Motion of the hon. Member for Finsbury. He would not discuss the character of the borough, or the propriety of the proposition which had just been rejected, but would stand simply on the understanding already mentioned—on the suddenness of the Motion, and on the fact that a great number of Members were absent from the House who could have had no idea that such a Motion was about to be submitted to the House, because no notice of it had been given. He should therefore ask the hon. Member for Finsbury to withdraw his proposition, and give notice of it for any other day he pleased. It would be much better to postpone it until after Easter, because a period of ten days had been spoken of as the notice which should be given. He therefore begged leave to move that the Debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."

Sir JOHN TYRREL said, this was another instance of an unnecessary and improper interference. The Manchester school were determined to have a finger in everything. He thought the eastern portion of the Kingdom had a good deal to complain of, for Sudbury had been for some time disfranchised, and an attempt was now being made to disfranchise Harwich also. He hoped the House would not accede to the dictates of the broad-brimmed Opposition—nor consent to the withdrawal of the Motion for issuing the writ.

Mr. BROTHERTON thought it was contrary to the express understanding of the House to move for the writ without due notice.

Mr. NEWDEGATE said, that the Liberal Members were actuated by party motives in the course they had taken on this question. First, it was endeavoured to carry what was thought would be a popular Motion, which would lead to the disfranchisement of Harwich, but the House had rejected it; and thinking that a liberal candidate would not be very well received at Harwich, the hon. Member for Finsbury (Mr. T. Duncombe) moved to issue a writ, though he had just declared the borough unfit to return a Member. The hon. Member for Manchester (Mr. Bright) was more prudent, because he asked for delay, on the ground that Members had not had time for preparation. So that no unfair advantage should be taken, he would suggest that the notice for issuing the writ be fixed for to-morrow.

Mr. T. DUNCOMBE said, he should be sorry to commit a breach of any understanding that existed in the House. He perfectly recollected there was an understanding that the writ should not be issued without notice, but then that was on the ground that an inquiry should take place, and if no inquiry was instituted, the writ was to issue on the notice. The writ had been suspended until the Motion of the hon. and gallant Member for Westminster (Sir De L. Evans) came on that evening; and now the House had decided against it, he was ready to bow to the decision of the majority. He had no objection to the adjournment of the debate until to-morrow.

Mr. M. J. O'CONNELL trusted the House would always attend to one rule, namely, to do nothing hastily. [*Laughter.*] He was sorry to find Members treat with jocularity a subject of such importance, which ought to receive grave deliberation. He hoped the debate would be adjourned until after Easter, because it was impossible for a new Member to take his seat for the borough before the holidays commenced.

Mr. WALPOLE wished to say one word upon the question. When he stated that he thought the writ ought not to be moved for, he gave reasons for his opinion, but one reason he certainly did not give, namely, that it might be supposed, if he moved for the writ, he was endeavouring to obtain an advantage for the Government in reference to the return of a Member for Harwich. He had that opinion in his mind, though he did not express it. He thought no advantage ought to be taken by the Government, if the House was unexpectedly asked to issue a writ, and he would rather that the writ should go on due notice. If the hon. Gentleman postponed the Motion until to-morrow, he should consider himself at perfect liberty to support him.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

MUNICIPAL CORPORATION ACTS AMENDMENT BILL.

Order for Committee read.

House in Committee.

Clause 1. (Proprietors of Newspapers not to be deemed contractors by reason of Advertisments.)

Mr. HEADLAM moved the following Amendment:—

> "In page 2, line 15, to add the words 'or in any Banking Company which may have had or may hereafter have dealing or transaction with any such Council, Commissioners, or Trustees of such Borough.'"

The ATTORNEY GENERAL said, he must object to the Amendment.

Question put, "That those words be there added."

The Committe *divided:*—Ayes 13; Noes 37: Majority 24.

Mr. EDWARDS: It is not my intention to trouble the House at any great length at this hour of the morning, as the clause I am anxious to introduce fully explains itself. Having, however, been pressed by various interested parties connected with my own borough and many others to do that which I trust the House will consider an act of justice, I hope to be supported. It appears by the Municipal Corporation Act, 5 & 6 *Geo.* IV., cap. 76, sec. 92, that the council of any borough, not possessing corporate property, have power and authority to call upon the churchwardens and overseers to pay away monies which may be required at any time in aid of the borough funds, and towards the expenses of carrying into effect the several Municipal Acts, out of the rates levied for the relief of the poor. It appears to me, I must say, inconsistent and improper that money required for municipal purposes should be collected in such a manner. I contend that the corporation should lay and collect the rates required, and that neither the churchwardens nor overseers should be subjected to proceedings at law to meet exorbitant demands made upon them by the town council. Meetings upon the subject have been held in Halifax, Bradford, Gateshead, and many other important places, and many petitions have been presented to this House. Before I sit down I will just mention this fact, viz., that before the amount necessary for carrying into effect the provisions of the Charter of Incorporation in the borough of Halifax, it was necessary to distrain upon the goods and chattels of one of the overseers; and under a conviction that no such arbitrary power was ever contemplated by the framers of the Municipal Corporation Act, I submit this protective Clause to the consideration of the Committee.

The ATTORNEY GENERAL hoped that his hon. Friend would not press the clause which he had proposed.

Clause *withdrawn;* House resumed.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, April 2, 1852.

Minutes.] *Sat first.*—The Marquess of Northampton, after the death of his Father.

Public Bills. — 1ª Mutiny; Marine Mutiny; Bishoprick of Quebec.

2ª Indemnity.

THE EAST INDIA COMPANY'S CHARTER.

The Earl of DERBY: My Lords, I rise for the purpose of moving, according to the notice placed upon the paper, the appointment of a Select Committee to inquire into the Operation of the Act 3rd and 4th William IV., chap. 85, for the better Government of Her Majesty's Indian Territories; and to report their Observations thereon. My Lords, the Motion which I have now to submit to your Lordships is for a Committee to inquire into what, in common parlance, is called the renewal of the East India Company's Charter. I say, "in common parlance," because, not only does that phrase not correctly express the real facts of the case, but because, in reality, it expresses what I may almost say is the reverse of the fact. For, my Lords, up to a comparatively recent period, the East India Company was a commercial besides being a political body, having a charter which placed them in the enjoyment of certain rights and privileges as a trading company. The Act of 1813, however, materially modified those privileges; and a subsequent Act, that of 1833, went still further, and, as I shall have occasion to show, did not only diminish but altogether took away from the Company the powers which they possessed of trading as an exclusive commercial body; and after the expiry of a certain limited period, the power of trading at all. But when I say that it took away this power, I mean that so long as the political powers and authority with which the Company was invested by the Act of 1833 continued, so long the commercial privileges of the Company as a trading body were put in abeyance. If, however, your Lordships should now think fit to withdraw the political power vested in the Company, their commercial charter would be re-established; and if your Lordships should decide to continue to the Company the political power which they now enjoy, so far from that being a renewal of the Charter, it would be but a renewal of the condition under which that Charter remained in abeyance. My Lords, in bringing forward this Motion, it is not my intention to weary your Lordships, or to take up the time of the House, by tracing the rise and progress of this great Company—a career to which I will venture to say history presents no parallel, when we look to its humble beginning, and to the comparatively short period during which this commercial Company has laid the foundations of and established one of the mightiest empires under the sun. My Lords, it is now little more than 200 years since the leaders of this then infant commercial community thought it advisable to refrain from landing a single battalion or from acquiring a single fort on the shores of India, for the purpose of protecting their trading operations, partly from the fear of exciting the jealousy of the native Sovereigns, and partly because they were apprehensive that the maintenance of that fort would entail upon them an expenditure which the profits of their commerce would be inadequate to meet. I will not attempt to trace the various steps through which this Company, from such an humble beginning, has gradually extended its power, by its negotiations, by its arms, and by the wisdom also of its counsellors; and if, under some of the early circumstances of its progress, any signal instances of a large rapacity and lust for wealth occurred among its servants, in later times it has been distinguished by prudence and ability: it is by a wise government and a feeling of enlightened humanity that it has achieved a dominion absolute and uncontrolled, whether by the direct exercise of its authority, or by an influence not less absolute than actual authority, over a district of country extending from Cape Comorin on the south, to the borders of Burmah, of Cashmere, Cabul, and Affghanistan on the north, and embracing, I think, in its broadest part, something like 28 degrees of latitude—a vast district, inhabited by a population which I believe I am within the mark when I set it down at 150,000,000—exercising its authority over a population of various descent, and of various religions, who have been constantly in hostility to each other, but who now, conquerors and conquered, agree to submit to the jurisdiction of a comparatively small body of Europeans—a Company which has secured its power, not so much by the sword as by the wisdom of its counsellors—which has seen succumb to it, one after another, the mightiest monarchies of India, and which, without any desire for conquest, without any lust of power, nay, contrary to its wish—has seen the populations of those monarchies gradually forcing themselves under, rather than submitting to the protection of its authority. And, my Lords, with this gigantic dominion it is not less extraordinary that although for the maintenance of its vast empire this Company possesses an army of 285,000 men, yet that immense army you find composed mainly of natives of those territories which they have conquered, Mahomedans and Hindoos; every variety of religion and of grade alike vie in loyalty and attachment to their conquerors, and in their service exhibit as much of interest and of devotion as that small but noble army drawn from the mother country with which it is their pride and glory to be associated. My Lords, when you look to the vast extent and to the great resources of this empire, you will see that it is no light and unimportant task to which I am now about to call your serious consideration. You are calmly and deliberately to investigate the machinery by which the affairs of this great empire are conducted—a machinery which, formed for far different purposes, has gradually been diverted from its original intentions, and applied and adapted to the change of circumstances in which it is now placed—an institution and a machinery which would seem at the outset to be anomalous almost to the extent of absurity, but which has yet operated, as I think, and as I believe your Lordships think also, most beneficially to the interests of humanity and to the advancement and progress of that mighty empire which it superintends. My Lords, I stated that, since the Committee of 1832, the East India Company has ceased altogether to be a commercial body. Up to 1813 they possessed, as you are aware, not only the right of trading to India, but the exclusive right of trading with India and of trading with China. By the Act of 1813, for the first time, a modification was effected in this Company's commercial monopoly. Under certain limitations British subjects were permitted to settle in India, and the Indian trade was thrown open to other than the servants of the Company, at the same time not depriving the Company of a participation in that trade. In 1833 we went a step further, and not only took away altogether the privileges of the Company with regard to the right of trading with India, but we also threw open to the public in general the trade with China, which had been up to that time a close monopoly in the hands of the Company. The question of the settlement of Europeans in India, and of their right to acquire land, was also adjusted; but with regard to commercial affairs, these were the material alterations. Now, my Lords, by the law of 1833, the Court of Proprietors, the foundation of the whole machine, ceased, in point of fact, to have any interest whatever or any control in the management of the affairs of India; because, by the arrangement then made, the East India Company were deprived of all their commercial property—not only of the right of trading, but deprived of all their commercial property whatever, which was made over to the Crown, there being at the same time a provision made, by which the stock of the Company, to the amount of 6,000,000*l.*, or the dividend upon that stock, was made a primary charge upon the revenue of India; and a sum of 2,000,000*l.* was set aside for the purpose of accumulating, in order, under certain conditions, to buy up, if it were found necessary, that amount of stock. I will here mention, *en passant*, that the Act of 1833 appears to have contemplated—though the Act expired at the end of twenty years—but it appears certainly to have contemplated a continuance to the Company of its political powers for a period, not of twenty but of forty years; inasmuch as the Company, if the political rights which were accorded to them should be taken away at the expiration of twenty years, were then entitled to demand from the Government at home the repayment of their stock at the rate of 200*l.* sterling for every 100*l.* of stock—they had a right to require that upon their political power being taken from them their stock should be bought by the Government at that amount, and this within a period of three years. Now, my Lords, undoubtedly it is not very probable that, even if its political powers were taken away, the Company would make such a demand for the repayment of its stock; because, although the obligation to purchase up the stock was fixed at the rate of 200*l.* for every 100*l.* stock, their stock is now worth, I believe, about 260*l.*, and, therefore, it would evidently not be their interest to demand that purchase. On the other hand, however, you have no power, by the Act of 1833, to pay off that stock at present; until 1874—that is, until the expiration of forty years from the Act of 1833—you have no power to call on the Company to accept that bargain, and to have that stock paid off. But if the Company's powers should continue up to 1874, that is, for the second period of twenty years—the Crown has then the power of insisting upon paying off that stock upon the terms I have already mentioned, upon giving one year's notice; and for the purpose of paying off that stock, the 2,000,000*l.* at first set aside, and which has now accumulated to between 3,800,000*l.* and 3,900,000*l.*, was to go on accumulating at compound interest for the purpose of forming the necessary fund at the expiration of forty years. Such were the arrangements of the Act of 1833, which evidently contemplated a reconsideration of the question, and of the whole principle of government, as between the Crown and the East India Company, at the end of twenty years; but which undoubtedly contemplated the continuance of the political powers of the Company, with such modifications as might be suggested, for a period of forty years, because till the expiration of that period the Government had no power of extinguishing the stock by paying off the principal. But, my Lords, with that Act of 1833 the Court of Proprietors ceased, as I have said, to have any control or interest whatever in the affairs of India. The whole business of the Court of Proprietors at this moment consists in receiving the dividends upon their stock, which is fixed, I think, at 10½ per cent, and also—and it is no doubt a material part of their duty—in electing the members of the Court of Directors. Further than that, the Court of Proprietors have no functions whatever to perform. It is true they may meet and discuss together; but, with regard to the legislation of India, with regard to any single instruction to be given, any order issued, or any decision to be arrived at, the unanimous vote of the whole Court of Proprietors need not exercise the slightest influence over the conduct of the Government. And, indeed, when you look to the present position of the Court of Proprietors, there is some reason why they should not exercise any power over the affairs of India. They have no interest in them except such as they derive from the payment of dividends, which are made a first charge upon the revenue. The number of proprietors is, I think, 1,800; as to the qualification for a seat in the Court of Proprietors, the possession of 1,000*l.* stock gives one vote, and the possession of larger sums gives two, up to four votes; the total number of votes possessed by the 1,800 proprietors being 2,500, of which something like one-fifth are held by native proprietors. The power which devolves upon these proprietors in electing the Directors, is in itself a material element in the machinery by which Indian affairs are conducted; but that is the sole power which they possess, with the exception, I believe, of a very insignificant though a very proper power, of putting a check upon some gratuities, to the amount of not more than 500*l.* or 600*l.*; a power, which, no doubt it is quite right that the Court of Proprietors should exercise over the Directors, but which does not afford any special reason for its continuance. As I have said, the chief business of the Proprietors consists in their receiving the annual dividends. I have been speaking throughout of the Court of Proprietors; I now come to the Court of Directors, elected by them. That Court consists of twenty-four members, and I believe the only qualification is the possession of a certain amount of stock, I forget precisely to what amount; I believe 2,000*l.*—and persons are disqualified if Directors of the Bank of England or of the South Sea House; but where these objections do not exist, the holding of a certain amount of stock qualifies for a seat in the direction of this Company. The Directors, generally speaking, are, the great majority of them, men whose lives have been spent and whose fortunes have been accumulated in India, and who must therefore be familiarly acquainted with the working of the system, with the country, and the character of the inhabitants, and who are, practically, I believe, well qualified to advise the Government in the direction of the affairs of India. One-fourth of the twenty-four Directors go out of office every year; but, as they are generally re-elected, the whole body of Directors may practically be said to sit for life. Most of these details will probably be very familiar to some of your Lordships; but I did not think upon such an occasion that it was unfitting to me to state, as shortly as I could, what is the nature of the system, and how far its practical working may seem to compensate for some of the anomalies which may be found in it. My Lords, as to the power of the Directors, it is apparently exceedingly great—I am not prepared to say that it is greater than it ought to be, considering their great experience and their great knowledge of Indian affairs. The Directors, for convenience sake, divide themselves into three Committees—one the Finance Committee, another the Political and Legislative, and the third the Home and Judicial Committee; I am not sure, but I believe I am correct in stating that the Court of Directors is thus divided—one of these Committees has eight, and the two others seven members each; the Chairman and Deputy Chairman are members of all these Committees; and these form the whole governing—if that is not a wrong expression—the whole governing body of the Company. In these Directors has been vested from the earliest period, both nominally and substantially with regard to most of the offices, the power of making the appointments in the civil service of India. The exceptions, which are real, are the Governor General, the Judges, the Bishops, appointments which are reserved to the Crown; and a small number of the subordinate appointments, which by custom or by courtesy (I do not know whether by law) are with the President of the Board of Control. The appointments nominally proceed, and many really, from the Court of Directors; but the real and substantial power which the Court of Directors possess—a power which I know may lead to considerable difference of opinion, and which ought to be carefully and deliberately considered—is that of recalling each and every servant of the Company, from the Governor General down to the lowest clerk, without any communication or concert with the Crown. I believe I am correct in stating, that for every appointment they must have the concurrence of the Crown. I believe it is so; the Crown has the power of recalling any or every servant of the Company in

India, and the Company have also a like power of recalling, without concert or communication with the Crown, as the Crown has the power without communication with the Company. There may be occasions—there have been—upon which the exercise of that authority may practically lead to some inconvenience. But, my Lords, when we come to the legislative power of the Court of Directors, great as it may appear, and great as undoubtedly is the influence they exercise, their legislative power dwindles down to nothing; for not only have the Court of Proprietors no power, by a unanimous vote, to issue a single order, but the Court of Directors themselves can issue no order with regard to the legislation or government of India without the consent of the Crown signified through the President of the Board of Control. They have no power of issuing a single despatch, and, more, no power of refusing the issuing of a single despatch which the President of the Board of Control may think it his duty to insist upon their transmitting. If the President of the Board of Control sends to the Court of Directors a despatch upon a particular subject, and they refuse to deal with that question, he may then, in one fortnight, compel the transmission of that despatch; and the single exception is the very improbable one, in which the orders of the President of the Board of Control may be contrary to law, in which case the Court of Directors hold that they have an appeal to the Court of Queen's Bench, to know whether they ought or ought not to execute those orders. But, further, supposing, in dealing with one particular question, the Court of Directors should think fit to send out particular orders and particular instructions, and the despatch bearing those orders and instructions, when submitted to the President of the Board of Control, should be by him disapproved of, not only are they compelled not to send out the despatch they intended, but the Board of Control exercises the power of altogether modifying and altering the despatch, so as, if he thought fit, to reverse the whole sense and meaning of the instructions, and, under the hand of the Board, to give instructions altogether at variance with those which the Court of Directors desire to go out to the authorities as having the fiat of the President of the Board of Control, in whom, after what I have said, your Lordships will see that, virtually, the administration of the affairs of India in this country is vested. The constitution of the Board of Control has undergone various alterations since it was established in 1784; the last, in 1833, at the time of the last Act of Parliament, by which, instead of three paid Commissioners and Secretaries, it became what it now is having a President and two secretaries, who usually have seats in Parliament. That has been the constitution of the Board of Control since 1833, and in that Board, practically speaking, the whole administration of the affairs of India rests. Now, my Lords, when looking to the working of this anomalous machine, conducted, in the first place, apparently by Directors, elected by a body of proprietors who have little or no interest in the affairs of the country which the Directors are to govern—conducted again by those Directors under the control of the President of the Board of Control, and thereby reduced to be in fact a subordinate Government Board—the question naturally suggests itself, to what purpose is it to continue this complex and anomalous machinery? Why not vest the nominal authority in the same hands which are now possessed of the real? and why not dispense altogether with the unnecessary intervention of the Board of Directors? That is a very important question, and one which the Committee will have carefully and seriously to consider. I think, for my own part, that very valid and strong reasons may be given for not departing from the practical working of that which we find in existence; but it is undoubtedly a question which will be open to the consideration and judgment of the Committee; and they ought to be satisfied, if they recommend the continuance of this system, either that it is one which in itself works well, or else, that it works at all events better than any modification or alteration which can be introduced, by giving a more direct power to the Government of this country. I ought to mention that, independent of the Court of Proprietors and Court of Directors, there is also, as your Lordships are aware, the "Secret Committee," which is charged with all negotiations and affairs which have to be transacted between the Company and the Native Princes, as well as other business which it may be thought expedient to preserve in secrecy. This Secret Committee is appointed by the Board of Directors, and usually consists of the Chairman and Deputy Chairman, with, I think, the senior member of the Court of Directors; and, in conjunction with the President of the Board of Control, this Committee administers practically all those affairs which come under the political head to which I have adverted, of negotiations or dealings with native and foreign Princes. Now, my Lords, having stated the matter to be inquired into, I think it may not be a waste of your Lordships' time if we just see how this system has practically operated in India, and what has been the progress made in that country since 1834; I have spoken hitherto, of course, only of that operation of the machinery which is limited to this country. In India, I think, up to 1833, the three Presidencies were distinct and separate. By the language and by the spirit of the Act of 1833 it was contemplated to give to the Presidency of Bengal an overruling and preponderating influence and supreme authority over the other two. I think it was even contemplated at that time that the Council of Bengal should be a sort of ambulatory Council, to visit the different Presidencies, to overrule the administration of their affairs. That practically has not been the case. The Governor General in Council has administered the affairs of the Presidency of Bengal. In 1833 there was also a proposition for the institution of another Presidency, of Agra; but that was done away with, and I believe since that time there has been a Lieutenant Governor for that district; and the Governor General, with the assistance of the Lieutenant Governor of the north-west provinces, has administered the affairs of that vast district of country which forms the intended Presidency of Agra, and the newly conquered provinces in that direction. Now, my Lords, undoubtedly the Government of India has been, and I think for many years must be, that which has been spoken of in terms of praise by a noble Friend of mine, whom I do not see in his place (Earl Fitzwilliam), "a mild despotism." I apprehend none of your Lordships would dream that the time has arrived at which popular institutions can be applied to the government of India, and that, practically speaking, it is necessary that the power of governing these vast dominions, subject to the control of the Government at home, should be vested, as it is at present, in the separate Councils, and, more especially, in the supreme authority of the Governor General in Council. In the formation of that Council, however, in 1833, there was, for the first time, introduced a new element, by the addition of a new Councillor,

not in the civil service of the Company. Previously to that, I think, it consisted of the Governor General, the Commander of the Forces (not necessarily, I think), and another, who was a member of the civil or military service; with them was associated, by the Act of 1833, a fourth Councillor, not a servant of the Company, appointed directly by the Crown, and charged with peculiar functions, having only the power to attend the deliberations of that Council when they enter upon the discussion of judicial and legislative business. Now, I do not lay any stress upon the extent of territory acquired by the Company since 1834, because I am by no means sure that the acquisition of all that territory has been by any means an unmixed advantage; and I am sure that the possession of great portions of it was forced upon a very reluctant Government by circumstances over which they exercised no control; but the fact is that since the last time this question came under the consideration of Parliament there has been added to the territories of the Company an area of no less than 165,000 square miles, comprising a population of 8,380,000. In the course of that time it has been necessary, no doubt, materially to augment the expenditure and establishment of the Indian service; but I am happy to say that with the advance of that establishment, although I confess there has been a certain addition to the annual interest of the debt, the revenue has increased from 18,500,000*l.* in 1834, in round numbers, to about 25,000,000*l.* in 1849–50, while the charge has increassd from 18,600,000*l.* (rather in excess of the revenue) to 24,806,000*l.* in 1849–50 (being rather below the revenue); the estimated charge for 1850–51 is something in excess, arising from circumstances which it is not necessary to detail. But I think it will be gratifying to your Lordships to learn that, while there has been an increase in the territories of the Company, and an increase of revenue equal to the increased charge to be borne, the commercial prosperity of India has made rapid and immense strides during that period. I hold in my hand an account—I will not trouble your Lordships except by stating the first and last years of this return—showing the state of commerce at the first and the last of these two periods. I find the tonnage of British vessels between this country and India stands thus: The arrivals in 1834–35 were 108,000 tons; in 1849-50, 252,000 tons. The departures in 1834-35, 83,776 tons; in 1849-50, 280,897 tons. The imports, in round numbers, had risen from 61,000,000*r.*—6,000,000*l.*, in 1834-35, to 12,000,000*l.* in 1848-49, the last year for which there is a return; and the exports of India have, in the same time, increased from 8,000,000*l.* to 18,000,000*l.* My Lords, in the course of that time it is not only the material and commercial prosperity of India which has made rapid strides—it is not only that large territory has been added to your dominions, and new nations subjected to your sway, but I am happy to say, that in the arts of peace there has been a great and salutary increase in the period between 1834 and 1850. With regard to that which I must look upon as one of the most leading objects connected with the affairs of India, though it is an establishment which has to contend with many obstacles, and work its way gradually through a mass of ignorance and superstition, and of conflicting difficulties, which render its advance slow and almost imperceptible, it is satisfactory to know that, whereas through the whole of the vast territories of India there were only employed in the service of the Company 31 chaplains of the Church of England, in 1813, when the episcopal authority was first introduced, in 1832 there were a bishop and 75 clergymen. The Act of 1833 multiplied the number of bishops, assigning its bishop to each separate Presidency. There are now, instead of 31 chaplains, as in 1812, or 75, as in 1832, three bishops, and no less than 130 chaplains of the Church of England, independent of the ministers of the Scotch Church. Of the great social improvements which have taken place, cautiously and gradually introduced, since 1834, I cannot but mention, in the first place, that which had been the object of the constant and earnest attention of this country, namely, the total and entire abolition of slavery throughout its dominions; and, although great difficulties have had to be encountered, yet, by the Act passed in 1843, in India, as in the rest of Her Majesty's dominions, slavery was at once and completely abolished. Another not less gratifying change has taken place with regard to the administration of justice in India. In 1833 it was contemplated to establish, and there was established, a Legal Commission for the purpose of examining into the whole system of jurisprudence in India; the whole system of the penal and civil law, and reporting generally their opinions with regard to the necessary alterations. In India you have to distinguish between the Crown Courts and the Courts under the control of the Company. The Crown Courts consist of a Chief Justice and two Puisne Judges; I believe, practically, in two Presidencies, they have for some time consisted of a Chief Justice and a single Judge. These have very large and extensive jurisdiction. Recently, since 1833, there have been introduced, I think under the control of the Company—I must beg pardon if I make any errors in speaking upon a subject with which I have not been very familiar—there have been established minor Courts, like the County Courts in this country, for the purpose of adjudicating in matters of small amount. But, although the Commission sent out in 1833 sat for some time, and laboured very industriously, and produced a most elaborate penal code, which is at the present moment, I believe, under the consideration of the Government of India, that Commission, from various circumstances, did not enter upon the discussion of the whole of the extensive subject committed to it; gradually, I believe, it has been permitted to lapse, the vacancies occurring upon it not being filled up, and the labour has since devolved upon the Members of the Council appointed under the Act of 1833. But there also courts of justice of various gradations and rank authorised to deal with questions of various amounts and moment, with more or less of appellate jurisdiction. I think I ought not to waste your Lordships' time by giving you details respecting the Zillah Courts and the Sudder and other Courts, and the various gradations of jurisdiction, but that to which I desire to point your attention is, that in the course of the period which has elapsed since 1833 there has been a very great increase in that which I look upon as a matter of signal importance, namely, the employment of the natives of India themselves in the minor courts, and a considerable extension of the judicial authority conferred upon those Courts. I have said that I think the time is far from being come at which anything like popular institutions could be safely conferred upon any portion of India; but of this I am quite sure, that this is your bounden duty in the interests of humanity, of benevolence, and of morality and religion—that as far and as fast as you can do it safely, wisely, and prudently, the inhabitants of India should be gradually intrusted with more and more of the superintendence of their own internal affairs, under the control of British authority, and taught to respect that authority which is vested in the law, and which they see judiciously and firmly enforced, temperately enforced also, by the superior British authority, which they may by long habit and practice learn to imitate, and, I would hope, even to surpass. And, my Lords, even if this gradual admission of the Indian race to the benefits of self-government, slowly and cautiously, should have the effect, not of consolidating and extending the great fabric of British dominion which has been built up in that country, but of leading a people accustomed to self-government to desire something more of control over their political, as well as their judicial affairs—I say that, even if the gigantic power of Britain over India should in the course of years, but centuries must first elapse, fall to the ground by the operation of our own hands, it will have been an achievement worthy of a nation like this to have rescued the native population from the state of ignorance, superstition, and debasement in which we found a large portion of them sunk, and to have placed them, at the expiration of the period of our dominion, in the capacity of administering the affairs of their own country as an independent nation, but under the influence of those laws, those principles, and those sound maxims which they ought ever to entertain gratitude to this country for having with care and pains instilled into their hearts. My Lords, I say this is not a work of months, or of years, nor it may be of centuries; but, though we may not live to see it, that does not absolve us from the duty, while we carefully abstain from placing in the hands of an ignorant population power which they are incapable of yielding for their own benefit; it does not absolve us from the obligation of endeavouring to raise that population in the social scale, and of carefully intrusting them with such an amount of the administration of their own local affairs as, not to their detriment but to their benefit, they may safely be enabled to carry on under the superintendence of this country. The whole details of the judicial arrangement, and the extent to which the admission of natives to offices has gone, every detail which Parliament may desire, will freely be laid before the Committee, should it be your Lordships' pleasure to appoint one to inquire into the working of the existing system. There will also be laid before you matters of not less importance than those which I have enumerated—the steps that have been taken for promoting the material prosperity of the country, the improvement of the communications, the formation of roads and canals, the clearing of the country, the irrigation of districts, which from the want of it were subject to all the horrors of periodical famine—these will be set before you; and it will be for you to consider whether the Directors of the East India Company, under the control and superintendence of the Government here, and through the administration of the various Governors General who since 1833 have held the supreme power in the country, have or have not been faithful and efficient stewards of the great interests committed to their charge. It will then be for you, my Lords, having inquired into the practical working of the existing system, to consider how far it is wise to continue, either in the whole or in part—how far altogether to abrogate—how far to alter or to modify in detail—the system which at present prevails. But, undoubtedly, one principal point which you will have to consider is, whether there be advantage or detriment to the public service in retaining that intervening authority between the Board of Control, or the Government of the day, and the people or Government of India, which now subsists in the Court of Directors. The Court of Directors have little substantial power, but their functions are neither few nor unimportant. They meet weekly for the purpose of considering and replying to the various despatches which are received from the Governor General of India in Council, and from the various Committees by which the affairs of Government are conducted in India. They give to Her Majesty's Government on all occasions their willing and cordial co-operation and assistance. I believe the noble Baron opposite (Lord Broughton), and all those who have filled the high situation which he lately held, will cordially and readily acknowledge how much advantage they have derived in the administration of the affairs of India from the talents, abilities, and experience of those gentlemen with whom they have been brought into contact, and by whose advice they have been in many respects guided. But, as I said before, the Court of Directors, if they have no substantial power, have a large amount of patronage. Now, my Lords, is it desirable, or is it not, that that patronage should rest in the hands which now exercise it? Is it desirable that the patronage of an empire like India, extensive as it is, and comprising every variety of employment and profession, should be vested in those who now exercise it, or should be placed in the hands of the servants of the Crown, changing from time to time according to the political changes in this country? In the first place, my Lords, I think that to bestow upon the Government of the day the whole amount of the patronage of India would be to place a very dangerous and unconstitutional amount of power practically in the hands of irresponsible Ministers. I am quite sure that no Minister of the Crown, however honest might be his intentions, and however true and sincere his desire to administer that patronage for the benefit of India, could administer it with as much knowledge of the circumstances and exigencies of the country as a permanent body, the great majority of whom are intimately and personally connected with the affairs of India, and who have an accurate knowledge of the country, of its legislation, and of its inhabitants. I have said that the Board of Directors consists at this time of thirty gentlemen—that is, including the six who went out last year; and the fact is, that of these thirty gentlemen—although there is no necessary qualification for the office except that of being the possessor of a certain amount of stock—of these thirty gentlemen there are no less than twenty-one in office at this moment, who have served the Company with distinction in the various branches of the civil service, and who bring consequently to the discussion of Indian affairs the whole of their experience and knowledge with regard to the condition and requirements of that country. With regard to an empire like India, it is a matter of infinite importance that the controlling power should, as far as possible, be kept aloof from political squabbles and party contests. That object, as is well known, is practically obtained by the system which now prevails; for, although undoubtedly there may be, and there are, influences connected with the patronage of that department which may connect it in a certain way with political considerations, yet it is notorious that, although the politics of the Directors, some of whom have seats in the Legislature, are of various shades, there is no political bearing whatever influencing their conduct with respect to the affairs of India. But is there no further advantage from this system with regard to the selection of those who are to form the civil service of India? The civil service of India is a service altogether apart. Be it the civil service or the military service of India, it is a profession taken up at the earliest age; and, to become qualified for that profession, to rise in that profession, to receive the honours of that profession, is the first and early ambition of the youngest cadet or writer who goes out to India. Now, there surely is a great advantage in this respect with regard to India. I know, with regard to the colonial administration, with which I was long familiar, how great is the disadvantage arising from the impossibility, within the limited scale of each colony, of finding persons in the colony, or connected with it, properly acquainted with the colony, and able satisfactorily to assist in conducting its affairs. But the small scale of each of these colonies—the small scale, comparatively speaking, even of the Colonial Department altogether—independently of the widely different interests of different colonies, precludes the possibility of setting aside such a school for colonial service as is wisely and most beneficially set aside by existing arrangements with regard to the Indian service. Nor do I think it is a matter of any complaint, a matter of any grievance, a matter to be deplored, much less condemned—nay, on the contrary, I think it is the subject of congratulation and rejoicing—if we find a man who, at the age of 15 or 16, has entered the East India Company's service, who has been himself educated for the special service of that Company in establishments maintained—and most liberally maintained—at the expense of the Company itself, whose fitness to enter upon his duties has been tested by an examination, the strictness of which has been much increased, before he was even permitted to go out to the scene of his future life, who has spent the best years of his life in India, who takes a deep interest in the affairs of that country—though, like all Englishmen, he has always looked forward to the period when he might return to this land, which he never ceases to consider as his home—who, upon his return, bringing with him Indian recollections and Indian interests, and able to apply to the administration of the affairs of India the knowledge and experience which he has there acquired, should at the same time, obtain personal distinction and reward for his past services by a seat in the Direction—I consider that, so far from its being cause of regret, it is a subject of congratulation that there are the means of bringing forward within this country a body of men so formed and constituted to advise and assist the Government. It is also a matter of congratulation and rejoicing that, at the close of his life, each of the old and faithful servants of the Company has, by the exercise of his patronage, the means of introducing to the same honourable career, and launching upon the same creditable course, his own son, or nephew, or grandson, in whom may be instilled, from their earliest years, a love for and an interest in India, and who may be prepared to run the course which he who gives the appointment has honourably and creditably run before. There may be, and there always are, wherever you vest patronage, individual cases of its abuse. But this I believe, that if by holding out a premium—a most cheap premium—for the invaluable services of the men who serve you, I had almost said, without any other reward, for I believe their service is almost gratuitous—if you can obtain such advantages by giving to those best qualified, from their knowledge of India, to exercise patronage, the advantage of that patronage, it is for the service of this country and for the benefit of India; and if those Gentlemen do apply such patronage, in some instances, to place in the Indian service those in whom they have near and personal interest, I say that it is not a corrupt exercise of patronage—it is not an exercise of patronage which ought to be deplored and condemned, but, on the contrary, it is an exercise of patronage, as I believe, best calculated to promote the welfare and advantage of India. This subject, however, is one which your Lordships will have to consider if you consent to the appointment of this Committee. You will have to consider whether any modification should be introduced in the existing system; and upon the part of Her Majesty's Government there will be no indisposition to lay before the Committee, in the fullest detail, all the information they may desire with regard to the working of the existing machinery, whether in the political, in the judicial, or in the social system of India, in order that your Lordships may have the means of coming to a deliberate and impartial decision upon that vast and momentous question—namely, by what means, and by what instrumentality (remembering that this is no party, no political, question —it is a question of empire), the great and important interests of that overwhelming empire of India can best be promoted, and most steadily advanced. I will not further detain your Lordships with any expression of opinion on my own part, because I concur with my noble Friend the noble Earl opposite (the Earl of Ellenborough), in the caution which he gave both to me and to my right hon. Friend at the head of the Indian Department (Mr. Herries), that we should not hastily pledge ourselves with regard to any specific course. But with regard to that part of the question which does not depend upon practical experience and knowledge, but more on principle than detail, I certainly do entertain a strong opinion as to the course of policy which it may be desirable for Parliament to pursue; but that question will rest in the hands of Parliament. By the reports of the Committees of this and the other House of Parliament Her Majesty's Government are ready to be guided in the course they will pursue; and to those Committees must be deputed the important task of considering how the affairs of India shall hereafter be best conducted.

Moved—

"That a Select Committee be appointed to inquire into the Operation of the Act 3rd & 4th William IV. Cap. 85, for the better Government of Her Majesty's Indian Territories; and to report their Observations thereon."

The Earl of ELLENBOROUGH: My Lords, my noble Friend has described with very general correctness the system upon which the Government of India is at present conducted. My noble Friend, at the commencement of his speech, took occasion to correct a very general error of common parlance, by which the question now before Parliament was described as being a question of the "renewal" of the East India Company's Charter. I am surprised that my noble Friend, entering as he afterwards did with very great correctness into the relations between the Court of Directors and the Board of Control, did not also avoid the very general error in common parlance, by which the Company is described as governing India. In point of fact the Company may nominally reign, but the Company does not govern India. For about seventy years the Court of Directors have, in point of fact, been no more than the Council of the Board of Control; and that which Parliament has now to consider is, whether it is expedient still to continue that Parliamentary fiction, or whether it may not be better to adopt a more direct course for the government of India. I do not know whether my noble Friend, who spoke of the progress which India had made during the last twenty years, has taken into his consideration—he certainly did not advert to it in his speech—the very peculiar position in which that country now stands. The destruction of the Sikh power has altogether changed our position in India. Before the destruction of that Power we had a great rival, and there was every reason to expect, at no distant period, a most serious conflict for supremacy in India. That rival, however, has now been destroyed, and we stand in the position in which Rome stood after the destruction of Carthage, when, all fear of rivalry in the field having been removed, those evils began to operate which led to the destruction of public liberty, to the ruin of the commonwealth, and to the ultimate annihilation of the empire. We have now arrived at a position in which we cannot with safety go beyond our present territorial limits: indeed, in my own opinion we have already in some quarters passed those limits. It is with much regret that I look to the possession of Peshawur and of any country on the right bank of the Indus, above Kalabagh, where the navigation of the Indus from the sea ceases. I look also with regret upon most of the annexations obtained twenty years ago from the Court of Ava, with the exception of the annexation of Arracan; but of this I am quite sure, that beyond our present territorial limits it would be the last proof of political insanity to pass. My Lords, such being our position, it must be observed that the danger, in a military empire such as ours in India is, and such as it must ever remain, is greater far in the stationary than in the progressive state. I now look forward with apprehension to the danger likely to arise from the insolence of office—which even in my time led to one insurrection—from disregard of military duties, from the absence of due consideration for the native officers and troops, and, above all, from the forgetfulness of that great principle by which our Indian empire was acquired, respect for the religious prejudices and for the social habits of the people. These are the dangers of a stationary state, and are, in my opinion, greater far than any danger we have encountered in the progressive state of the ample dominion which we now possess in India. My Lords, when I come to consider what we should do under these circumstances, and what alterations, if any, we should make in the present system of the government of India, I assume, with my noble Friend, one point as absolutely settled seventy years ago—namely, that the patronage of India is severed for ever from the Crown. I willingly acquiesce in that as a settled point, because I believe it to be equally conducive to the advantage of this country and of India: but, at the same time, I am of opinion, and I hope to place before your Lordships the grounds of that opinion, that much may be done by Parliament for the purpose of improving the administration of that patronage; and I will at once distinctly declare that in my opinion there is no object Parliament can have in view so important as that of sending to India the very best persons both for the military and the civil departments—for their character is practically the Government of India. I am also willing to admit another principle, though I do so with very considerable reluctance, namely, the necessity of continuing the system of double government. I do not approve of that system; I see all its mischiefs; I see how directly it leads to delay in the transaction of business, occasionally to very great embarrassment, and necessarily to great disregard of economy; but, above all these, it involves practically a total absence of all real responsibility on the part of the home authorities. I will only at the present moment touch upon those organic changes which it seems to me expedient to introduce for the purpose of leading to the improved government of India. I admit that in the course of the last twenty years much has been done. It would be hard indeed if India alone had not shared in the universal progress of the world. But much remains to be done, and I think much might be done by the improvements which I will suggest. Before, however, I touch upon the organic changes I should desire to see introduced, I will shortly state those alterations in the present law which I think it would be expedient to introduce, even if your Lordships are prepared to maintain the Court of Directors and the Board of Control as they now are, and to conduct the Government precisely upon the principles upon which it now rests. I first suggest that it would be highly expedient that the Board of Control should have the same power over the Home Treasury as it has over the Treasury in India. At present the Board has no such power. Whatever information the Board of Control may have with respect to any intended misappropriation of the public revenue of India, they are powerless for the purpose of preventing it. I believe that if the Court of Directors were to give an order to the Bank to divide among themselves the whole of the balance the Company might have there, the Board of Control has no power whatever to interfere to prevent such a division. I will ask your Lordships to look at the establishment of the East India House, and compare it with the establishments of the Crown, either with regard to numbers or emoluments. I believe the number of persons employed at this moment at the East India House is equal to the number employed in all the departments of all the Secretaries of State; and if, moreover, you look at the emoluments these persons receive, I apprehend it will be found that there is a very wide space for economical reduction. Such is the extravagance of these emoluments, that I recollect being told, more than twenty years ago, when I first went to the Board of Control, that a gentleman, whose only recommendation was, that he had written some very bad novels, which had failed, but who had a sort of knack for writing, had been employed by the Court, at a salary of 2,000*l.* a year, to write the controversial letters the Court might have to address to the Board of Control. For my part, I was charmed with my correspondent; for such were the literary abilities of this gentleman, that his letters, especially when altered and amended by the twenty-four other gentlemen, did not interpose very great difficulties in the way of the person who was called upon to answer them. I would further suggest, that the audit of the accounts of the East India Company should not be entirely dependent upon themselves, but that an independent Auditor should be appointed by the Crown. I see no reason why the officer who holds such an important situation should not be as independent as the noble Lord who is Auditor of the Treasury (Lord Monteagle). I think the duty of the Auditor should be not merely to see that there is authority for every payment, but that every payment is, according to the strict appropriation in the Act of Parliament, an appropriation of the revenues of India, for the service of the Government of India. I do not hesitate to say, that payments have been made which were inconsistent with that appropriation, and which according to my understanding of the Act of Parliament were clearly illegal. Another alteration which I think would be productive of very great public advantage, would be to give to the Crown the absolute power of nominating the Commander-in-Chief of the Royal army in India, and not merely of the Royal army of India, but of the Native armies of all the Presidencies. I would give the Crown the power of appointing the Commanders-in-Chief of both the Royal and the Native armies, and I would suggest that the Commander-in-Chief should be, *ex officio*, Member of the Council of the Presidency in which he shall be. I know of one occasion—and there might be many—in which the East India Company, by objecting to the appointment of an officer of the Native army to be one of the Council, had prevented the appointment of the officer who had been thought most fit in the judgment of the Crown to command the army; and that was a power they ought not to have. I think this a great scandal and a great abuse, and it fully exemplifies the want of judgment and amount of prejudice which often characterise the proceedings of the Directors. I recollect, too, that on another occasion the most extraordinary representations had been made against the appointment of the late Earl of Dalhousie to the command of the Indian army, because, forsooth, the Chairman of the Court of Directors, Mr. Astell, took a different view of the noble Lord's conduct when Governor of Lower Canada, from that which had been taken of it by Mr. Huskisson, the Colonial Secretary. Now, as I have said, these representations were not attended to; but I conceive that these are representations which the Court of Directors ought not to have power to make. Again, I remember another occasion on which representations were made to me against the appointment of a most gallant officer, on the ground that he was addicted to habits of drunkenness. It fell to my duty to inquire into the charge; these representations were investigated, and proved to be utterly false and unfounded, and yet I, as representative of the Crown, had to make answer in reference to these charges preferred by the Charman. Such things, in my opinion, ought not to be. And further, I think it absolutely necessary, especially under the present circumstances of India, in order to insure its safety, that there should be a very large increase of European troops, and a very great diminution of the Native forces; that there should be substituted for the civil police, which is utterly inefficient, a military police, who would perform many of the duties now executed by the native soldier. It is absolutely necessary that the Crown should possess without any control on the part of the Board of Directors the unrestricted power of sending out to and maintaining in India as many of the Royal troops as the Government here shall think fit. At present the Crown cannot send out more than 20,000 without the consent of the Court of Directors; which is contrary to reason and to public policy, inasmuch as the Crown is responsible for the safety of India, and on the Crown should rest the decision as to the number of troops requisite to be maintained there, according to the exigencies of the public service. There are a number of other things which I think it advisable to alter in the relations between the Court and the Government. I think it would be most expedient that the Crown should have a negative upon the appointment of Members of the Council. The present arrangement I do not challenge for its correctness; in former times it might have been properly made; but I do say, that under present circumstances, in the altered state of the empire of India, it is in my judgment most necessary and most expedient that every member of the military as well as the civil service, should look up to the Crown as the fountain of honour and authority. I do not propose that any alteration should take place in the mode of appointment of the Governor General. I think that there are practical advantages in the present arrangement, by which the Court proposes and the Crown approves of a Governor General: I think that mode of proceeding secures the best appointments. There may have been occasions on which the Government may have been somewhat inconveniently pressed by the request of one of their own friends, whom they felt it inconvenient and disagreeable to disoblige, for this very appointment, while at the same time they were reluctant to trust the government of India into his hands. On such occasions the intervention of the Court of Directors may have been most convenient to the Government. Seeing, therefore, no practical inconvenience arising from the present arrangement, I should certainly be most unwilling to disturb it. But I have already expressed my opinion, and to that opinion I undoubtedly adhere, that after the Governor General has been appointed, and not only the Governor General, but the Governors of the subordinate provinces, the Members of the Council, and other officers—their continuance in office should depend solely upon the Crown. I think that we might with great advantage to the public service, improve the position of the Governor General, and increase his means of usefulness. It would be a very great advantage if the Governor General were not dependent upon two masters; that he should not be left in the condition to be approved of by one, and recalled by the other. We might also greatly improve his means of public usefulness by improving the composition of his Council. In that Council there is at present no Member from the Bombay, no Member from the Madras service; yet acts are daily sent up from the Madras and Bombay Presidencies, for the consideration of the Governor General in Council, who alone are endowed with legislative power. Many measures come, therefore, before the Council, and are discussed in total darkness as to their merits, in utter ignorance of the wants of the different localities, as they have no means of obtaining any practical information upon the subject. In my opinion, therefore, it would greatly conduce to the improvement of legislation and to the general efficiency of the various measures to be decided upon, if there were representatives from each of these Presidencies in the Council. I do not know that it would be advisable to make any alteration in the present practice by which the Governor General of India is nominated Governor of Bengal at the same time; but I think that often the Governor General will speedily discover, as I did, that it is highly conducive to the due discharge of his public duties to divest himself of the Bengal Governorship, and to leave the duties to be performed by one of his Council. The Governor General, occupied with the control of India in all its departments, no matter what labour he might take upon himself, has not the necessary time to devote to the details of the government of Bengal; such, at least, is my experience. My noble Friend has alluded to the provision of the Act of 1833, by which an Extraordinary Member of Council was appointed. It has always appeared to me that a very great practical improvement might be made with regard to the Extraordinary Member of Council. This officer is always selected from among the gentlemen of the legal profession, and as such the gentleman appointed always considers himself to be sent out to act as the legislator of India; he consequently, from the day of his arrival to the day of his departure, uses all his efforts to alter the law, in order to obtain the reputation of being a great legislator. Now, I must say that the most enlightened British lawyer, suddenly thrown into the midst of Calcutta, is not the man most qualified to devise those laws by which the people of India are to be governed. But by using that provision of 1833 in a different manner, I think that the Government here may give the greatest assistance to the Governor General. I think the addition of a political gentleman to the Council from the grade from which the Under Secretaries of State are generally selected, would be indeed a most valuable assistance to the Governor General and Council. He would be enabled to direct his fresh and English mind to a variety of subjects pressed upon the attention of the Governor General by persons with Indian prejudices; and the presence of a person with high attainments, with whom the Governor General could confidentially consult, would be to my mind the greatest possible relief. I assure your Lordships that there was nothing during my government of India which bore so heavily upon my mind as the fact of my having no other mind to which I could have recourse. I was forced to do everything from my own thought and will, without the opportunity of obtaining any aid whatever in the formation of my opinions. Facts might be, but opinions could rarely be, obtained. This it was which undoubtedly pressed most heavily upon my mind; and there is certainly nothing more calculated to unnerve a man than this constant pressure upon one unassisted mind. Enlarged as the Council would be by the addition of two Members from the Presidencies of Madras and Bombay, I think it would be extremely desirable on that account, if no ton general grounds, that there should be no ambiguity whatever upon the question whether the Governor General was at liberty to overrule the opinion of his Council. By some strained interpretation of the law, the Governor General may, I believe, now overrule the decision of his Council; but that is a matter which ought not any longer to be left in doubt. The Governor General should be at liberty upon all occasions to exercise that power, should he deem it advisable; for, after all, the Governor General alone is responsible for the measures which are adopted. There is also another matter upon which a question has been raised, and which ought to be settled and put an end to—namely, whether it is in the power of the Governor General to leave his Council and proceed into the interior without the consent of his Council, and while absent to exercise all the powers which in such circumstances the Governor General possessed before the Act of 1833. Under the Act of 1833 it has been done by a Resolution of the Council. There is some doubt upon the point. For my own part, I am of opinion that the Governor General may leave his Council and go into the provinces, and exercise the same authority there as was used by Lord Wellesley and others, previous to the Act of 1833; but I do not think that a matter of such extreme importance should be left under question and subject to dispute. Perhaps it may be advisable to make a few observations with respect to a question which has been much agitated in India, and which has been discussed at home, namely, the change in the seat of Government. I recollect that some conversation took place upon the same subject in 1829 and in 1830. It became my duty then to consider whether any change should be introduced, and I recollect perfectly well communicating with the noble Duke (the Duke of Wellington), then at the head of the Government, upon the subject, and I considered the reasoning of the noble Duke in favour of continuing the seat of Government where it was unanswerable. I have been asked, "Could not the Government be conducted from Simlah?" My answer was, "Yes, as the Government of Rome was conducted from Capri, and with the same results." My Lords, I trust that your Lordships will now permit me to revert to a subject touched upon by my noble Friend (the Earl of Derby). It is a most important one, namely, the constitution of the Court of Directors, and the constitution of the Court of Proprietors. The number of proprietors who have votes in the Court is 1,800, and each represents 1,000*l.* stock: they represent nothing else; they have no other connexion with India, and have no more to do with it than the proprietors of Bank or any other stock. My noble Friend adverted to the number of ladies who were proprietors. Now, I have taken some trouble to examine into these matters, and I have ascertained, by a reference to the *East India Directory*, that out of the whole number

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of 1,800, there are 385 who have the letters "W." or "S." appended to their names, meaning, of course, "widows" or "spinsters." I could not but remark also the number of gentlemen of the Jewish persuasion who are proprietors, some of whom, having purchased stock to a considerable extent, have four votes each. I have also endeavoured to find the proportion of persons really connected with India who are proprietors, and I feel satisfied that if I were to rate them at 300, or one-sixth of the whole number, I should overrate them. Yet this is the proprietary to which is intrusted the election of the Directors who are to govern India. Let your Lordships consider the composition of this proprietary, and how the influence of certain families and certain firms predominates; and your Lordships will see that the union of these families and firms can practically decide the election of the person desirous to be a Director. The constituency is so numerous and so scattered that no person, no matter what his services, desiring to become a Director, can obtain a seat in the Direction without going through the most elaborate and the most painful personal canvass: he must solicit for seven or eight years before he can be elected, and must undergo one or two or more defeats. I remember, upon one occasion, remonstrating with a friend of mine who had already suffered two defeats, and asking him what madness could induce him to go on? The answer which I received contained the whole secret of these transactions. "My friends," said he, "who have lent me their interest, and have been supporting me so long, expect me to go on, in order that they may reap the reward of their long adherence to me, and I should not be acting fairly by them if I did not go on." In that answer your Lordships may see what is the working of the system. And what is the result? I wish I could think it was that which has been painted by my noble Friend. My noble Friend stated that twenty-one out of the thirty Directors have been distinguished in the Indian service. Now, I have been acquainted with the affairs of India since 1828. My eye has never been off the Indian service; I have given all matters connected with India the deepest and the most watchful attention; I have marked the names and persons engaged in that service more probably than any other person; and I must say that there are but four gentlemen out of the thirty who have any Indian reputation whatsoever. I do not mean to say that there are not men of eminent ability upon the Direction—men who having been many years on the Court have become, from long experience, very fit persons to have upon the Direction; but not one of them was fit when he was first appointed; and whatever their practical knowledge may be, their opinion carries no weight with it in India. Of India they knew nothing, and the Board of Control can have no confidence in the advice they tender, and the result is that resolutions are often adopted which would never have been dreamt of if the Court of Directors were composed of persons really cognisant of the affairs of India. Now, I venture to propose to your Lordships that you should consider whether it might not be expedient very materially to extend and improve the constituency by which those are to be elected who are to advise the Board of Control. I would propose an extension and an improvement of the constituency, for the only reason for which it ought to be proposed—for the improvement of the representative. First, however, I must say—indeed, it has been admitted by my noble Friend—that the Court of Directors of the East India Company—a commercial company in a state of suspended animation—has no necessary connexion with the Government of India. I would willingly leave to the present proprietors of East India stock the election of the Directors of the East India Company, who will have the management of their funds, and the payment of the interest upon their stock. I would take every necessary precaution for the due transmission to England of the necessary funds to pay the interest on the stock and bonds; but the payment of those dividends may as well be made at the Bank, as the payment of the Three per Cents. I, however, think that it would be advisable and expedient that there should be some body of men of Indian experience interposed between the Government of India and the Government of England; and inasmuch as the proprietors have purchased their stock in the hope of some advantage in the shape of patronage, I would not deprive them of the power of voting in the election of those persons to be substituted for the Court of Directors as the Council for the Government of India. What I should propose is this: In addition to the proprietors of East India stock, all officers, civil or military, who have served either in the Queen's or the native army, the Indian navy, or as Judges of the Supreme Court of Law, or in the civil service of India, for the period of ten years, should have a vote in the election of those persons who are to assist in the government of India. I propose giving to this body of persons the designation of the Indian Council, and to leave the relations between this Indian Council and its President, to be nominated by the Crown, as they now are between the Court of Directors and the Board of Control. The persons so elected would be elected by an enlarged constituency, and the addition to the constituency, I calculate, would be equal to the whole number of the present electors. I consider that the number of retired officers and persons in England entitled to a vote, would, by this means, render the constituency just double in amount to what it is at present. Would it not be a great practical improvement to give to the Court a thoroughly Indian character, and by so extending the constituency as to render impossible the exercise of any influence arising from any combination of firms and families, to enable those persons cognisant of the wants and requirements of India, conversant with the people, and acquainted with their character, to give the benefit of their experience to those who were conducting the government of that empire—to enable them to give the benefit of that counsel, not at the end of seven or eight years' harassing canvass, but when they had returned fresh from the country, with all their faculties unimpaired, and in the full vigour of their health? Another alteration which I would further propose is, that the number of Members of the Council of India should not be twenty-four, but should be reduced to twelve; not that I mean to say that no Council consisting of twenty-four persons can by possibility transact business, or that no body of men exceeding twelve can with convenience transact business of a highly important, confidential, and political character: but I look in this alteration for that which I think should be the foundation of all our improvements—an improvement in the administration of patronage. If the patronage were divided among twelve individuals instead of being distributed among twenty-four, what would be the consequence? Your Lordships may recollect what was said by Lord Bacon, that "charity can hardly water the ground where it must first fill a pool." It is the same with patronage. In this case there must be filled, not one pool only, but thirty pools, before there could be an overflow of patronage to be distributed among those who are deserving of it for the services they have rendered. Some of those pools are very large indeed. I recollect looking over a list of persons on whom patronage has been bestowed, and I saw the names of fourteen gentlemen who all rejoiced in the same surname—one somewhat peculiar, and which was exactly the same name as that of one of the Directors; and I have not the slightest doubt that every one of them is a member of the same family. These fourteen persons of the one family had received the charity which would otherwise have watered the ground. It is not only that those persons who are entitled to have this patronage exercised in their favour do not obtain it; but by the present system on which it is dispensed, the relations of the thirty Directors are scattered over the whole face of India, which most materially interferes with the due exercise of authority there. It is to enable those twelve persons, with this much larger amount of patronage, to distribute it among those who deserve it, that, among other reasons, I propose the reduction of the number of the Court of Directors. I have sometimes read in the newspapers accounts of the extraordinary liberality with which Mr. This or Mr. That had conferred a cadetship in his patronage upon the son of this or that deserving officer. This instance of a proper exercise of patronage is paraded so ostentatiously as to lead to the inference that it is an exception to the usual course, and not the rule. Now, I have seen a great deal of deserving officers, and have often heard their complaints, and the expression of their utter hopelessness of obtaining the least favour from the Directors for the benefit of their families. I know how they have knocked at every door in succession, and got a refusal from all. I have known them leave India in a most desponding state of mind, because no provision had been made for their children. I recollect a most striking case. It is that of an officer who most ably distinguished himself in General Sir George Pollock's army. He was an officer on whom I felt it my duty, as the Governor General of India, to confer every honour and reward in my power. I recollect that officer coming to me and saying, "I cannot get a cadetship for my only son; all my desire is to get him into the service; I have made applications to the

Directors, but every one of them has been in vain; they are all so deeply engaged that they cannot assist me, and my son will now soon be of that age in which he will hardly be able to get a commission in the Royal Army." Such was the case of this meritorious officer, I felt it my duty to place the case of this young man before my noble Friend the noble Duke; and thus the case of the son of one of the most deserving officers in the Company's service is at present under the consideration of the noble Duke, simply for the purpose of being permitted to purchase a commission in Her Majesty's service, he having been unable to obtain an appointment from any of the Directors of the East India Company! What were the feelings of the gallant father when he saw the gate of honourable preferment closed against his son? His desire was to send his son to the scene in which he himself had acted so long and so meritorious a part; but this he was debarred from doing by the present system of the distribution of patronage. I trust that the alteration which I propose would obviate that evil. Again, I would in some degree diminish the extent of the patronage. I see no reason whatever why a proportion of the cadetships, and a proportion of the writerships, should not be saleable, like commissions in Her Majesty's Army, at a fixed price. I cannot understand why a practice should exist by which the whole of the aristocracy of England, almost without exception—I do not mean your Lordships only, but all persons of the highest rank and fortune in the country, who do not happen to be acquainted with a Director of the East India Company—that they and their sons should for ever be excluded from the most distinguished service to which any young man can aspire to belong. It seems to me to be a public wrong, and calculated to produce great public mischief. But, happen what may, I think it most desirable that at least one-fourth of the cadetships and writerships should be disposed of by sale at a fixed sum; and whilst upon this point I must not omit to say, that I think it not only highly expedient, but absolutely necessary, that the Governor General should have the power, on assigning his reasons, of taking officers from the military service and placing them in the civil service of the Company. According to the present system, for the purpose of securing offices to the relatives and friends of the Directors, this is not permitted. The reason why I think this would be an advisable course is this. The total number of all the civil servants in India is about 800. Those gentlemen are generally the immediate relations and friends of the Directors of the East India Company. They go to India to rise in succession, and at last to exercise the highest functions, whatever their fitness, in the government of an empire containing, as my noble Friend has stated, 150,000,000 of people. It is contrary to reason that these 800 young men so selected should be capable of executing those important duties. I hold with Lord William Bentinck, who said that 800 Angels could not perform the functions of Government in India under such circumstances. It is preposterous. But if the Governor General had the power of selecting officers from the Army to become civil servants, he would be able to avail himself not only of the services of those 800 persons, but of the services of more than 5,000 gentlemen, every one of whom would be competent to perform the duties required of him by the Government, he having been selected for his fitness for such an office. Your Lordships will no doubt remember that, in point of fact, the best administrators of government in India have been military men who have risen in that country by means of having had intrusted to them the administration of conquered or ceded territories. I do not agree with those who think that a portion of the cadetships and writerships should be offered as a reward to the most distinguished scholars in the schools and colleges belonging to the Company. I say, on this ground, that the knowledge acquired from books is of no use in India. The giving of those rewards to boys in the different schools might be of great use to the schools, but it would be of great disservice to India. If you had to select a boy to lead your troops under difficulties, would you take the best scholar, the most solitary bookworm in the school, or would you not rather choose the boy who is the most expert at all manly exercises, who is most remarkable for his influence over his schoolfellows, and who knows best how to manage them? There is nothing, I must repeat it, which can be learned from books that can qualify a man for a situation in India. That which is required in India, besides a knowledge of languages, is an untiring industry and an aptitude for public business, which few merely literary men are practically found to possess; but, above all, what is required is that which cannot be gathered from books—energy, decision of character, and, above all, moral courage, firmness in the face of the public, and a determination, happen what may, to do his duty at once to the country of his birth, and also to the country of his adoption. Those are the qualities we want in India; but they are not to be met with merely among those who most distinguish themselves at school. I confess I feel a very deep interest in the question now before your Lordships. I have made India the subject of my earliest thoughts, and that now for 24 years. I may, indeed, say that my whole public life has practically been devoted to India. My Lords, I must tell your Lordships again, that India has arrived at a most critical period of its history—at one of those periods in the history of a State in which it is absolutely necessary carefully to look back and carefully to look forward; to consider what were those measures and that policy which had assisted, or at least had not impeded, her progress, and to devise such as are likely to be equally efficacious for the purpose of preventing her fall. I feel satisfied that it is wholly on the spirit in which the Government of India is conducted, on the temper in which its power is administered, on the consideration with which you treat, not the Native Army only, but the whole of the native population—that it is on your perseverance in and adherence to those principles, and on your attention to the religion, and the prejudices, and the social habits of the people, by which hitherto your Government in India has been permitted to exist, and that we have conducted it to so prosperous an elevation—that it is on these principles and this conduct alone that that perilous empire can be preserved. A perilous empire, it was called by Lord Wellesley at a very early period of his acquaintance with India; much more perilous is it now. It is not one which has its roots in the affections of the people. It has not its roots in the perfection of its institutions. It exhibits nothing to the people which they can understand, or admire, or love. I was made deeply sensible of this, even under the most favourable circumstances in which that Government could be presented to the natives of India. I do, therefore, entreat my noble Friend, and I entreat your Lordships and the Parliament, when considering what should be done in this great emergency, and what constitution should be given to India for the purpose of forming it, if we can, into an integral part of the British empire (for I cannot bear to consider it possible that England should ever be separated from that country; it is not yet separated, and never can be, if the same ability be used for preserving it as was used for obtaining it)——but I entreat your Lordships, when considering this great question, not to allow the mere consideration of convenience in carrying the measure through Parliament, or any consideration of matters which ought to be below the notice of highminded statesmen, dealing with the future happiness of a great people—I entreat you not to allow any considerations or feelings of that kind to prevent you from doing that which is just by the people of India, that which is just by the people of England, and that which may make our name memorable for ever in India, and establish our empire in the gratitude and affections of the people of that country for real blessings conferred.

On Question, *agreed to:* The Lords following were named of the Committee:—Ld. Privy Seal, M. Tweedale, M. Lansdowne, M. Normandy, E. Graham, E. Derby, E. Carlisle, E. Albemarle, E. De Le Warr, E. Mansfield, E. Powis, E. Grey, E. Harrowby, E. Stradbroke, E. Ellenborough, V. Canning, V. Hardinge, V. Gough, L. Bp. Oxford, L. Elphinstone, L. Colville of Culross, L. Sundridge, L. Wodehouse, L. Mont Eagle, L. Colchester, L. Ashburton, L. Glenelg, L. Stanley of Alderley, L. Monteagle of Brandon, L. Broughton.

THE ENDOWMENT OF MAYNOOTH.

The EARL of ALBEMARLE: My Lords, I now beg leave to ask the question of the noble Earl the First Lord of the Treasury, of which I have given notice—namely, whether Her Majesty's Government contemplate any change of policy with regard to the maintenance of the College of Maynooth? Your Lordships are doubtless aware that the grant to the College of Maynooth rests upon an annual vote in the Miscellaneous Estimates, for, I believe, a sum between 8,000*l.* and 9,000*l.*, until the year 1845, when the annual vote was converted by Act of Parliament into a permanent charge of 26,000*l.* on the Consolidated Fund. That measure had its origin with a Government of which the noble Earl now at the head of Her Majesty's Government was one of the most distinguished Members; and I believe the noble Earl is the only

Member of your Lordships' House, who, having been a Member of that Government, is also a Member of the present Cabinet. The subject was very maturely and very deliberately considered—the debates upon it occupying fourteen nights in the House of Commons, and five nights in your Lordships' House. On the third night of the discussion in this House, the last speaker upon the question was the noble Earl at the head of Her Majesty's Government. A noble Lord who is since deceased—the late Earl of Charleville—had stated that the Government, of which the noble Earl was a Member, would lose his confidence and support, and reminded the noble Earl opposite that he (the Earl of Charleville) was one of those who had helped to place him in power. And the noble Earl opposite, at that time sitting in this House under another title, professed the regret which Her Majesty's Ministers would feel in losing the confidence of those who had called them to power, but added that that consideration would not weigh so much on the minds of the Government as the still higher duty which they owed to their country and their God. [3 *Hansard*, lxxxi. 105.] The noble Earl closed that speech—a speech which occupies ten pages of *Hansard*—by calling upon this House, as statesmen and as Christians, to pass that measure. I mention these circumstances in order to show to your Lordships the deep interest which was at that period felt by the noble Earl in the question of the grant to Maynooth. Under other circumstances I should have thought a question such as that of which I have given notice, a work of supererogation; and it would be so now if it were not for the distrust and suspicion which appear to pervade the public mind with regard to the uncertainty which characterises almost all the measures of the present Government. The fact is, my Lords, there seems to be a want of fixity of purpose—a want of fixed principles. There seems to be a tendency to shift off responsibility from their own shoulders to appeal to the country, and, as it were, actually to court an agitation out of doors. It is for these reasons, then, that I rise to ask the question on the present occasion. But the subject of the grant to the College of Maynooth has of late assumed another feature; and perhaps it would have been unnecessary for me to put the question if it had not been for the very ambiguous and unsatisfactory manner in which a question of similar import to that which I am now putting was answered a few days ago by a right hon. Colleague of the noble Earl—the Chancellor of the Exchequer—in another place. What I wish to elicit from the noble Earl is some distinct acknowledgment of his policy on this question; because it appears to me that the subject of the grant to Maynooth comes within the same category as that of free trade in corn. [*Laughter.*] I will endeavour to explain to your Lordships in what way. They both seem to be put up before the public to be knocked down to the highest bidder; corn was to be put up to competition between Protectionists and Free Traders, and the Maynooth grant between the Protestants and Catholics. It seems as though the friends and supporters of the noble Earl are to go to the Roman Catholic constituencies of Ireland with one set of principles; and to the Protestant constituencies of England with another. We have one statement made in one place by one Member of the Government, and another statement made in another place by another Member of the Government. Here is the Secretary for the Treasury—and what does he say upon the subject of Maynooth? I pass by free trade, with respect to which he completely throws over the noble Earl. The right hon. Gentleman's speech was made on the 1st of April to his supporters at Liverpool, and the report says—"The speaker then referred to his votes on the Maynooth grant, and his determination for the future to give his unqualified opposition to any grant to the Roman Church, whensoever, howsoever, and by whomsoever made." Now, I ask the noble Earl, is this the language of a subordinate, or an insubordinate officer of his Government? Is it a declaration which the noble Earl is prepared to support or disavow? At any rate, the uncertainty in which the subject is involved constitutes, in my opinion, sufficient ground for me to put the question of which I have given notice—"Whether Her Majesty's Government contemplate any change of policy with regard to the maintenance of the College of Maynooth?"

The Earl of DERBY: The noble Earl will excuse me if I do not follow him in all the reasons which he has assigned to your Lordships for putting his question—if I confine myself simply to answering that question, and in stating to your Lordships that Her Majesty's Government has no present intention of proposing to Parliament any interference with the Act which was passed for the endowment of the College of Maynooth in the year 1845. But the noble Earl must allow me to add, and I do it with great regret, that the course which has been pursued by a large body of the people and by a large body of the Roman Catholic clergy of Ireland, and the aggressive attitude which that Church has of late years assumed, has added materially to the difficulty of defending an endowment which was intended for the purpose of maintaining peace and good-will—for the purpose of binding the clergy of the Church of Rome to the State by the ties of gratitude for material assistance afforded, of gratitude for good-will shown, and binding them by the ties of loyalty, contentment, and peacefulness.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 2, 1852.

Minutes.] Public Bills. — 1° Militia; Turnpike Roads (Ireland); Commons Inclosure Acts Extension.

2° Repayment of Advances Acts Amendment (Ireland); Protection of Inventions Act, 1851 (Extension of Term); Sheep, &c. Contagious Disorders Prevention.

3° Copyright Amendment; Municipal Corporations Acts Amendment.

THE EARL OF DERBY—EXPLANATION.

Mr. COBDEN: It will be in the recollection of the House, Sir, that in the course of the remarks made by me in the debate which arose on the hon. Member for Bristol's Motion respecting the Ballot, in the course of some remarks I offered upon the subject, I made two quotations of words purporting to have been used by the noble Earl at the head of the Government; the first in 1835, and the other in 1841. I have received a letter from the noble Earl respecting the quotation of 1835, which, with the permission of the House, I will read:—

"St. James's Square, March 31.

"Sir—I read this morning with no little surprise a report of your speech of last night, in which you appear to have stated that on the 2nd of June, 1835, I had declared that 'if they had the ballot, I, as an English landlord, would not only see that my tenant voted, but would see him put the ticket in the ballot-box,' and you proceed to argue on the necessity of taking measures to screen the voter, 'even from the prying eyes of Lord Derby.' The above is the report of the *Times*. The *Morning Chronicle* gives the same words, but adds, as part of my supposed speech, as quoted by you—'I do not mean to say that this would be a desirable precaution, or a course which ought to be adopted by landlords, unless forced to it by expediency; but I, as a landlord, should be driven to that expediency, if the ballot were adopted, to satisfy myself.' The reports in the *Morning Post*, *Morning Herald*, and *Daily News*, are substantially the same, and I can, therefore, have no doubt that such a statement was made by you in the House of Commons. Now, although it is not very easy to answer for every expression made use of in a speech seventeen years ago, yet the sentiments expressed are so entirely at variance with what have always been my opinions and my practice, that I felt firmly convinced that you must have made the statement under some extraordinary misapprehension; but, having here the *Mirror of Parliament*, which at that time was considered the most accurate report of the debates[*], I turned to the debate in question, of which your speech gave me the date. I had been describing the practical working of the ballot in America, which I had seen with my own eyes, and the means resorted to for defeating its operation; and I went on to say, 'I have no doubt that, if the ballot were adopted in England, a landlord determined to exercise his powers oppressively might declare that he would not be satisfied unless he saw with his own eyes voters put their tickets into the balloting-box. [An Hon. Member: No, no!] Let not the hon. Member who calls 'No' misunderstand me. I do not say that would be a desirable course to pursue; but if you drive men to expedients in order to ascertain how persons vote, I show you by what means they have it in their power to vote so as to defeat your object, if they think fit to use those means.'

"I am sure, Sir, that you will see that the above quotation, taken from the most authentic report of the day, is so far from bearing out the imputation which you have thought yourself justified in casting upon me, that I characterise the course which you would have it supposed I was myself prepared to adopt, as that of 'a landlord determined to exercise his powers oppressively,' a character which I hope and believe has never attached to me.

"Having made this statement, I leave it to you to act as you may think that justice and honour demand.—I am, Sir, your obedient servant,

"Derby.

"Richard Cobden, Esq., M. P."

This letter was despatched yesterday morning, but some delay occurred before it reached my hands. It was addressed to me at the Reform Club, where I do not go every day—not oftener perhaps than once a week, and, not having called there since it was delivered, it followed me to the House last night, and was delivered to me after the meeting of the House. I immediately sent Lord Derby a note, dated five o'clock, in the following terms:—

"House of Commons, 5 o'Clock, April 1.

"My Lord—Your Lordship's letter has just reached me here. I should deeply regret to have misrepresented your expressions, and can plead, in justification, that I quoted them from *Hansard*, the most authentic record of our Parliamentary discussions. I hasten to say, that, if you will give me authority for stating that the report of your Lordship's speech in that work is incorrect, and authorise me to say that your words are accurately given in the *Mirror of Parliament*, I shall be most happy to be the medium of making the correction in my place in the House of Commons;—and I am, my Lord, your obedient servant,

"R. Cobden.

"Right Hon. Earl of Derby, &c."

This morning I received another letter from the Earl of Derby, which is as follows:—

"St. James's Square, Thursday Night.

"Sir—I have the honour to acknowledge the receipt of your letter, dated 5 p. m. this evening, from the House of Commons, in answer to mine of yesterday morning, which appears only then to have reached you. In reply, I beg to say that if you will do me the favour of referring to my letter of yesterday, you will see that I then expressed my conviction that the report from which you quoted my speech of June, 1835, was erroneous, the grounds of that conviction, and the confirmation which it subsequently received from an examination of the only contemporaneous report in my possession of what I really said. The *Mirror of Parliament* had then been recently established in consequence of the extreme inaccuracy of *Hansard's Reports*: and so long as it continued, it was, I have no hesitation in saying, by far the most accurate record of Parliamentary proceedings*. I rely on its accuracy in the present instance, not only on account of its general character, but because it is in accordance, as the report in *Hansard* is at variance, with all the opinions I have ever entertained and acted upon; and I think, if you will do me the honour of comparing the two reports, you will have no difficulty yourself in deciding which of the two bears intrinsic marks of the greater accuracy. I have to request that your explanation may not be delayed, as I see that your unintentionally erroneous statement has already been the subject of comment, injurious to me, in many leading articles of the public press.

"I think it right to add that Mr. Walpole is in possession of the correspondence which has passed between us, including this letter.—I am, Sir, your obedient servant, "Derby.

"R. Cobden, Esq., M.P."

Now Sir, whilst I am most anxious to do justice to a political opponent, I am not unnaturally desirous that I should not suffer from injustice myself. The House will observe that the noble Earl does not bring any charge against me of having made an unfounded statement, or of having made an erroneous quotation from his speech as it is reported in *Hansard*. We are in the habit in this House of bringing up against each other extracts from the reports of the debates given in that work; and I was not aware when I cited these passages from the noble Earl's speech that there was any other authentic record besides *Hansard* of the proceedings of this House in 1835. I was aware that the *Mirror of Parliament* had been in existence for a few years, but it did not occur to me that it was in existence at the period to which I refer. I will read to you the passage of the noble Earl's speech as reported in both works. [*Cries of* "No no!"] The passage is very short, and I have no desire to trespass at any length on your attention. The passage in *Hansard* is as follows:—

"He would now come back to what his noble Friend (Lord J. Russell) said about trusting in the forbearance of landlords, and upon that point he agreed with his noble Friend. If they had the ballot, he would say, as a landlord, that he would not only see whether the elector dependent on him voted, but he would see him put the ticket into the balloting urn. He did not mean to say that that was a desirable course of proceeding, or a course that ought to be adopted by landlords unless forced to it by expediency; but he, as a landlord, would be driven to that expediency if the ballot were employed, in order to satisfy himself."

And now I will read the same passage, as reported in the *Mirror of Parliament:* —

"I have no doubt that if the ballot were adopted in England, a landlord determined to exercise his powers oppressively might declare that he would not be satisfied unless he saw with his own eyes voters put their tickets into the ballot box. [An Hon. Member: No, no!] Let not the hon. Member who calls 'No' misunderstand me. I do not say that would be a desirable course to pursue; but if you drive men to expedients in order to ascertain how persons vote, I will show you by what means they have it in their power to vote so as to defeat your object, if they think fit to use those means."

The House cannot fail to perceive that there is all the difference in the world between these two statements. In *Hansard* the noble Lord is made to say that some imaginary landlord, supposed to have a propensity to oppression, might under certain circumstances pursue a certain course. [*Cries of* "No, no! In the *Mirror of Parliament.*"] Yes—in the *Mirror of Parliament* the noble Lord is made to say that some imaginary landlord, supposed to be disposed to oppression, might, under certain circumstances, pursue a certain course. Whereas in *Hansard*, the noble Lord is made to say that he would pursue that course himself. Sir, I can have no hesitation in accepting as perfectly satisfactory the explanations of the noble Lord, and in giving him, without reserve, the full benefit of the interpretation which is placed upon his words, not only by the noble Lord himself, but also by the *Mirror of Parliament*. I, of course, feel bound to withdraw fully and most entirely the comments and strictures which I made in reference to the sentiments attributed to the noble Lord; only transferring such strictures, comments, and animadversions to those imaginary landlords whom the noble Lord had in his mind's eye when he made his speech of 1835.

Mr. WALPOLE: Sir, I may be permitted to say that the frank and handsome explanation which the hon. Gentleman has just offered, is, I can assure him, as satisfactory to the Government as I have no doubt it is to the entire House. I am sure, Sir, that the House and country will feel that the imputation which has rested for a few days upon my noble Friend, is as inconsistent with the real facts of the case —now that these facts are correctly ascertained—as it must always have been supposed to be from his untarnished reputation and unblemished honour.

[* These, we are happy to say, must be understood as his Lordship's individual opinions only, and were not entertained at the time by the majority of Parliamentary men, *e.g.* the then Prime Minister, Sir Robert Peel (*see* Vol. xxvi. 961).

The *Mirror of Parliament* was established in 1828; and during the earlier years of its existence was well done. The Editor took the ordinary course of offering to his patrons the means of revising the reports of their speeches; and to the extent to which they did so, the reports of that work have great value. Mr. Hansard, at the same time, had the same arrangements —which, in fact, had existed from the commencement of the work in 1805;—and the extent to which his offers were accepted, was, both from old connexion and from the stable reputation of the work, very great; nor was this confined to those who were peculiarly friendly to him—many of those who revised the reports of the *Mirror*, availing themselves of Mr. Hansard's reports also. The great extent to which this was done was so well known and felt, that it was soon apparent that the *Mirror of Parliament* would prove of the lesser value as an authority; it consequently underwent several changes not characteristic of a permanent publication; public support was gradually withheld, and it was discontinued at the close of the Session of 1841.

Up to this time, by an oversight growing out of long usage, no record was kept by Mr. Hansard of the speeches which had received revision. But in 1841 a system was established for the purpose of regulating the printing and other mechanical arrangements of the work, which it was soon seen would prove a very interesting document—namely, a columnar Diary of—

1. The speeches of the Members which it was intended to submit to revision;
2. Of the subject of the debate;
3. Of the dates of forwarding the proofs of speeches, and the date of their return revised;
4. Any remarks which might be necessary.

From this Diary the following statistics have been gathered—sufficient to prove, beyond controversy, that there is no longer room even for individual opinion as to the value of *Hansard* as a record of the Spoken Proceedings of the Parliament:—

Session.	Speeches sent out.	Returned revised.
1841	276	232
1842	520	337
1843	515	393
1844	Diary mislaid.	
1845	536	518
1846	442	343
1847	598	400
1848	710	459
1849	650	476
1850	772	502
1851	727	514]

PUBLIC BUSINESS—DISSOLUTION OF PARLIAMENT.

On the Motion that the House at its rising adjourn to Monday next,

Mr. MILNER GIBSON said, he thought that the right hon. the Chancellor of the Exchequer should make some announcement of the manner in which he proposed to proceed with the business before the House after the Easter vacation, and he wished the Militia Bill to be postponed beyond the first day of meeting after the holydays.

The CHANCELLOR of the EXCHEQUER said, that on moving the adjournment of the House for the holydays, he would state the arrangement which he proposed the House should adopt with respect to public business. The Government was anxious to expedite the public business as much as possible.

Mr. BRIGHT said, the Militia Bill was too important a measure to be proceeded with on the first day after the holydays, when a numerous attendance of Members could scarcely be expected.

The CHANCELLOR of the EXCHEQUER said, that to meet the wishes of hon. Members then, he would fix the second reading of the Militia Bill for Friday, the 23rd of April.

Lord JOHN RUSSELL: Sir, I think, with the right hon. Gentleman, that the business of the House ought to be expedited, and I have no objection to the postponement of the Militia Bill to the 23rd instant, provided that, if it be then read a second time, the Government proceed with the measure without delay. While on this subject I am desirous of addressing a few words to the House on a matter connected with it. Much apprehension has existed in the public mind during the last few days from a belief that some circumstance has arisen to alter the intention of the Government to advise a dissolution of Parliament as soon as the state of public business would permit that course to be adopted. I will not particularly advert to the circumstances under which that apprehension has arisen. I feel the inconvenience of adverting to words supposed to have passed in a conversation elsewhere, at which no Members of this House may have been present. At the same time, I think it desirable that before we enter into Committee of Supply on Monday, some explanation or statement on the subject should be made by the Government. I feel myself the more bound to require this course to be taken, because, relying on the accuracy of reports of what had passed in another place on a former occasion, and being assured by many noble friends of mine that what they had heard was perfectly satisfactory to them, I advised those with whom I act on this side of the House not to do anything which would have the effect of postponing or delaying the Supplies, but to proceed at once to vote the money for the Estimates. This side of the House certainly complied with that request most cheerfully, and no less than 14,000,000*l.* has been voted with a rapidity perhaps without a precedent—the House being induced to do so by the assurance, which I must suppose appeared to them satisfactory, that the immediate measures before Parliament would be expedited as much as possible, and that the present Parliament would not be called upon to consider any other measures than such as were urgently necessary for the Government of the country. I feel that I am responsible to many Members for having recommended that course, and, without further adverting to the circumstances which may have given rise to any misunderstanding now existing in the public mind, I cannot refrain from expressing a hope that, on Monday evening, before going into Committee of Supply we shall have such a statement as will put us in complete possession of the intentions of the Government.

The CHANCELLOR of the EXCHEQUER: Sir, I have no wish to interfere with any discussion which the House may legitimately think fit to entertain with respect to the conduct of Government on going into Committee of Supply on Monday next; but, as I have no desire that any misconception on this important subject should unnecessarily remain until Monday, perhaps the House will allow me now to make some observations on what has fallen from the noble Lord opposite. I entirely agree with the noble Lord that it is most inconvenient to have controversies in one House respecting the exact meaning of expressions reported to have been used in the other; but, having necessarily, from my position, an intimate and complete acquaintance with the views and feelings of the noble Lord the First Minister of the Crown with respect to the subject to which the noble Lord has referred, I have no hesitation in saying—without waiting till Monday—that very great misconception has existed within the last two or three days with respect to the intentions of the First Minister of the Crown, and that the noble Earl at the head of the Government never intended in any way to convey to the Parliament or the country the impression that his opinion on the subject of the dissolution of Parliament was in the least degree changed. It is not in the slightest degree changed. It is the intention of the Government—as it was the intention of the Government—so soon as those measures are passed which we deem necessary for the service of Her Majesty, and for the security and good government of her realm, humbly to counsel Her Majesty to dissolve the existing Parliament; and we shall take this course, also, with the full intention of recommending Her Majesty to meet Her new Parliament in the course of the present year, under circumstances which will afford it an ample and complete opportunity of deciding on the character and policy of the existing Government. In saying that, I think I have said all that the Government can say. We have never for a moment hesitated or faltered in that intention. As for any Government pledging itself to recommend a dissolution at a particular and specific period, it is a course which I think no Member of this House, which I am sure no person who has ever been in the service of the Crown, will call for. I cannot believe that the noble Lord will demand such a pledge from us. It is impossible for us to name a particular hour, day, week, or even month, when the dissolution will take place: circumstances might occur to render it most impolitic, if not impossible, to dissolve Parliament at any period which might be named. All I can say is, that so soon as such business as we deem absolutely necessary and indispensable shall be transacted, we will humbly recommend Her Majesty to dissolve Parliament; and, in order to prevent any misconception, I will add, with the full intention of advising Her Majesty to summon Her new Parliament in the course of the present year—I mean for a *bonâ fide* sitting—in which the policy of the Government may be decided on. I am now only repeating what I intended to convey to the House before, and what, I am sure, it was the intention of the First Minister of the Crown to convey by his communications in another place. These are the intentions which we have always had; and it is unnecessary for me, after the declaration I have made, to assure the House that we will endeavour loyally to fulfil them.

Mr. HUME said, that there was one thing required in order to give satisfaction to all parties, and that was a statement of what those measures were which the Government thought necessary. He must state to the right hon. Gentleman that an idea prevailed that there existed an unwillingness to give that information to which he thought the House, under the circumstances, was entitled. Though, when first assuming power, the Government might not have been able to state what those necessary measures were, surely after this lapse of time the noble Lord at the head of the Government, and the rest of the Cabinet, must have made up their minds on the subject.

House at rising to adjourn till Monday next.

HARWICH BOROUGH.

Mr. T. DUNCOMBE said, when he gave notice of his Motion for issuing the writ for Harwich on the previous evening, it appeared to him that it was one which was generally acceptable to hon. Members on his own side of the House; but he had since been given to understand that opposition would be offered to him, not from the Ministerial, but from his own side of the House. On the previous evening he had had the honour of supporting the Motion of his hon. and gallant Friend the Member for Westminster (Sir De L. Evans) for an inquiry into the misdeeds of the borough of Harwich. The Government had thought proper to oppose that inquiry; and the right hon. Gentleman the Secretary for the Home Department stated reasons why that inquiry should be resisted, adding that it was not his intention to allow a writ to issue for the borough of Harwich, as this Parliament was on the eve of a dissolution. He (Mr. T. Duncombe) had objected to this course; he had said that there never was anything more unconstitutional, or unprecedented, and he had maintained that the House was bound either to institute an inquiry into the alleged corruption of this borough, or else not to suspend the issue of a writ for a new election. There was a difficulty in suspending the writ at all, for this reason, that the Committee had not made any report of corruption against Harwich, but had declared the election void in consequence of the returning officer having closed the poll before the time allowed by law. He was fully convinced that this borough was a nest and hotbed of corruption, but that was no reason why they should establish the most dangerous doctrine that a Minister of the Crown could, upon any occasion he thought proper, say, "such or such a place shall have no representative," at a time when no inquiry was pending. If this were done in one case, it might be done in another. Upon this ground he (Mr. T. Duncombe) said that if they refused the inquiry moved by the hon. and gallant Member for Westminster, a writ should at once be issued. How was the approaching dissolution to take place? It was not to take place in consequence of this Parliament running its natural course, but in consequence of the advice that was to be given by the Prime Minister of the Crown. And were they to suspend the issue of a new writ because certain advice, which nobody knew whether it was to be given in May, or June, or July, was to be offered at some time or another to the Crown by the Prime Minister? It was true that the right hon. Gentleman the Home Secretary afterwards, in the course of the debate, had said that he had another reason for refusing to allow a writ to issue. It was this—that if he proposed the issuing of the writ, it would be said that the Government had influence in the borough, and that a supporter of the Government was about to be returned for it. Now it must be admitted that there was a delicacy, and punctiliousness, and scrupulosity about this reason of the right hon. Gentleman, such as he (Mr. T. Duncombe) had never before witnessed; and he only hoped that the wear and tear of official life would not remove such honourable feelings from the mind of the right hon. Gentleman. He (Mr. T. Duncombe) could not understand upon what grounds they had the right to suspend the issuing of this writ, and he hoped that the House would not deprive even the borough of Harwich, with all its delinquencies, of its constitutional rights.

Motion made, and Question proposed—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Harwich, in the room of Robert Wigram Crawford, esquire, whose Election has been determined to be void."

Mr. BOUVERIE said, he begged to move as an Amendment that no writ should issue during this Session of Parliament for the borough of Harwich. He agreed with his hon. Friend the Member for Finsbury (Mr. T. Duncombe), that Harwich was a rotten nest of corruption, and it was upon that ground that he called upon the House not to encourage corruption by issuing another writ for this borough. It had been said that there were only two courses which could be pursued on the present occasion: either to institute an inquiry, or to issue a writ. But he (Mr. Bouverie) would affirm that in this, as in other cases, one of three courses might be adopted, and that they might either determine to issue the writ, or to suspend the issue, or to institute an inquiry. They all knew what had been disclosed on the Committee, with respect to Harwich in 1841, and that a compromise had been effected with reference to the return for that borough, with the view of screening the Members who were returned at that election. Had there been any reason to suppose that since 1841 the state of things had in the least degree improved? Far from it. In 1847 there was another election, and in reference to the candidates returned at that time a Committee of that House had declared that Mr. John Attwood had been guilty of bribery by means of his agents. It was alleged in extenuation of the sins of this borough, that two elections had occurred there since 1847, and that there was no proof of bribery having been resorted to at either of them; but it seemed to him that they needed no fresh evidence to show that the borough was a sink of corruption. He (Mr. Bouverie) had voted with the hon. and gallant Member for Westminster (Sir De L. Evans) for an inquiry into the practices that were alleged to exist in Harwich; but the House had refused to grant that inquiry. And now his hon. Friend the Member for Finsbury, with the zeal for logic which always distinguished him, said that they must issue a writ for a new election. Upon this point he (Mr. Bouverie) joined issue with his hon. Friend, and he would say that it was an old constitutional practice that the writ should be suspended in cases where bribery was suspected, and that not in one Session only, but in some cases from Session to Session. In the year 1700 it was ordered that no writ should issue for Winchilsea. In the same year a similar order was made with respect to Great Grimsby, and the same course was at different succeeding times taken with respect to New Shoreham, Newcastle-on-Tyne, and other places. He thought that the corruption which existed at Harwich would justify them in resorting to the old constitutional rule of withholding the writ. Before two or three months elapsed there must be a new election, and what would be the consequence of that with reference to this borough? Why, that there would be no appropriate remedy in case of corruption at an immediate election. If a writ were now issued, the most gross and beastly corruption might be practised, but there would be no mode of ascertaining the fact, because it was morally certain that Parliament would be dissolved before any inquiry could take place. But if the House now suspended the writ, the electors would have an opportunity at the next general election of showing that they had abandoned the malpractices of which they had been guilty.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'no warrant do issue this Session of Parliament for any new Writ for the Borough of Harwich,' instead thereof."

Question, "That the words proposed to be be left out stand part of the Question."

Mr. NEWDEGATE said, he coincided with the hon. Member for Finsbury (Mr. T. Duncombe) in thinking that the writ for the borough of Harwich ought at once to issue. As to the Amendment of the hon. Member for Kilmarnock (Mr. Bouverie), he must express his entire disapprobation of it. If constituencies were thus to be disfranchised—if any constituency was to be so treated upon a charge of corruption, where was such a system to end? Since the revelations made by Mr. Coppock, hon. Gentlemen opposite seemed to have the most morbid sensibility regarding corruption. Seeing and knowing what took place throughout the kingdom, it was most unfair that they should single out a small borough like Harwich, and visit it with the penalty of disfranchisement—that was a proceeding most inconsistent and unjust. If they looked back a little, they would find that it was not in small boroughs alone that corruption prevailed—he would refer them to former elections in the City of London itself. Look at Greenwich. Why, it was proved before a County Court that Alderman Salomons had given direct orders for a large expenditure on the part of certain agents and publicans; this was proved before the County Court, but Alderman Salomons escaped payment of those charges, on the ground that they were illegal, and in contravention of the Act to Repress Bribery, Corruption, and Treating. If they were to make the case of Harwich a precedent to be rigorously adhered to, then they ought to inquire into half the constituencies in the kingdom. They constantly heard it stated that the Members on his side of the House obtained their seats by more corrupt means than those on the other. Now, that he emphatically denied. He could state, from his own knowledge, that if an inquiry were made into all the constituencies in the kingdom, his side of the House would be found to contrast most favourably with the other. Bribery was unusual in counties—it was, indeed, very seldom practicable. It was further alleged that tenant-farmers were frequently obliged to vote against their inclination. The fact was otherwise, and he would not advise any set of men to go to the country upon such a supposition. The tenant-farmers felt what they expressed, and would vote as they spoke and felt—any party of landowners who went to the country upon any other belief would go upon a most perilous adventure, and might be certain of their fate. The imputations cast upon farmers, that they were the mere tools and agents of landlords, was a calumny and a libel on them. He trusted the House would not accede to the Amendment of the hon. Member for Kilmarnock—that they would not adopt so unconstitutional a course as to decide by a mere majority of that House upon a great constitutional question, setting law and privilege at defiance.

SIR DE LACY EVANS said, the hon. Gentleman had complained of a sort of morbid sensibility which had been shown by that House with regard to corruption; but, considering that a Bill had been brought forward by the Government of which he was a supporter for the express purpose of enacting provisions to put down corruption, such a complaint on his part was rather strange. He (Sir De L. Evans) had stated in his remarks, on a former evening, that there were particular circumstances connected with this borough that made it conspicuous above all other corrupt boroughs in this country, and that there was stronger proof against it than there was against St. Albans and Sudbury, for that two Committees had found it guilty of corruption. He had offered the right hon. Gentleman the Home Secretary, that if he would point out any other borough equally corrupt, he (Sir De L. Evans) would withdraw his Motion; but not one syllable had the right hon. Gentleman said in answer. Under these circumstances he must oppose the issuing of this writ.

MR. KER SEYMER said, he had been Chairman of the Harwich Election Committee, and must say that, after a long scrutiny, the Committee were of opinion that general corruption had not prevailed at that election. The House must well know that allegations in an election petition ought not to be considered as evidence, and he would further remark, that if the principle of condonation were ever to be admitted, Harwich had amply condoned whatever offences it had been guilty of.

MR. ROEBUCK said, that in 1842 he had moved for the appointment of a Committee to inquire into certain matters connected with Harwich, when it was proved that money had been spent in the borough in a wholesale manner. When the inquiries of that Committee were closed, he had come before the House, and had moved that no writ should issue for Harwich, but that Motion was negatived by the House. Ten years had now elapsed since that time; much bribery might have taken place during that period, but none had been proved, and the House was now asked to do that which, when he had asked it, at a time that the inquiry was fresh, and the whole thing was proved to the satisfaction of everybody, the House had refused to do. How could they now attempt to refuse the issuing of a new writ after ten years had elapsed, during which no fresh evidence had been adduced against the borough?

Mr. BRIGHT begged to remind his hon. and learned Friend (Mr. Roebuck) of the Resolution of the Committee of 1847, referred to by the hon. Member for Kilmarnock (Mr. Bouverie), which declared that at that election Mr. Attwood had been, by his agents, guilty of bribery. It appeared that there was something like logical sequence in the argument of the hon. Member for Finsbury (Mr. T. Duncombe), that the House, having refused an inquiry into the state of the borough, was bound to issue the writ. But there were two kinds of punishment which Parliament had power to inflict upon offending boroughs. The one was, an inquiry with a view to disfranchisement, which might be termed capital punishment. The other was the minor punishment of the suspension of the writ. They were now approaching the termination of the present Parliament; and if any malpractices should take place at an election for Harwich, consequent upon a writ now issued, it would be impossible for this Parliament to punish it in any way. He therefore proposed that the House should not make itself responsible for issuing any writ now, but that it should allow Harwich to exercise its privilege at the general election of returning Members to that House.

Sir ROBERT H. INGLIS said, that the hon. Member for Manchester (Mr. Bright) had stated that Parliament had two punishments to inflict upon offending boroughs. Who denied it? The question really was, not whether Parliament might inflict either punishment, but whether that House would think fit to inflict either in the present case. There was no doctrine more clear than this, that whenever a vacancy occurred, it was the duty of the remaining Members of that House to supply it. Exceptions might occur, and if a Committee made a Special Report, upon that Special Report the House might act. But was there a Special Report in this case? There had been two elections at Harwich since 1848, and had it been alleged in either case that there had been such bribery as to justify that House, without the encouragement of a Special Report of any Committee, in recommending a measure so severe as the disfranchisement of Harwich —for disfranchisement it was, in fact, if they continued to suspend the writ? If once the principle was got rid of, that Members of Parliament were elected by their constituencies *ex debito justitiæ*, it would be absolutely in the power of a tyrant majority in that House to rid themselves altogether of their opponents.

Mr. COBBOLD said, that he had been a voter at the last three elections for Harwich, and he would undertake to say that there was no ground whatever for the sweeping allegations that had been made respecting bribery at those elections.

Lord JOHN RUSSELL said, he did not concur with his hon. Friend the Member for the University of Oxford in thinking that the Amendment proposed by the hon. Member for Kilmarnock (Mr. Bouverie) would be an unparliamentary proceeding, or that it would be a precedent that would give an undue power to a tyrannical majority. The power of suspending a writ had been used by that House from time to time since the year 1696, when he believed the earliest precedent of this kind was established. With respect, however, to this particular instance, he owned that there was much more doubt as to the discretion of exercising this power. He considered that the House having chosen, on the last occasion when the seat for Harwich was declared void, to suspend the issuing of the writ from the month of July last to the present April, there could be no reason for it to alter its course. His hon. Friend (Sir R. Inglis), appeared to think that the House had been in error all that time, and ought now to make haste to get out of it. Now he (Lord J. Russell), when he was at the head of the Government, certainly could not agree in that view, and having consulted with his right hon. Friend the Member for Northumberland (Sir G. Grey), they determined that, if a new writ for Harwich was proposed to be issued, they should oppose that Motion. He (Lord J. Russell) had seen no reason for changing the opinion he had formed, or the course he had decided upon taking. Nevertheless, it would seem that the last two elections for Harwich made this a peculiar case; and he thought the opinion of the House appeared now to be in favour of issuing the writ. If, however, his hon. Friend (Mr. Bouverie) chose to divide the House, he (Lord J. Russell) must certainly divide with him; but he would rather suggest to his hon. Friend that it would be better not to divide, but to allow the writ to issue.

Mr. HUME thought there had been as much bribery at the last two elections for Harwich as at any former election; and charges of bribery had been brought against the sitting Members, which charges, however, were not gone into, because the return was declared null upon some other preliminary allegation—such, for instance, as when Mr. Prinsep's seat was declared void on the ground that he did not possess the requisite property qualification. He should support the Amendment, because he thought the suspension of the writ a mode of punishing the borough for its corruption.

The ATTORNEY GENERAL said, the noble Lord (Lord J. Russell), who was a high Parliamentary authority, stated that there were a variety of precedents on the journals for suspending a writ; but he would ask the noble Lord whether the precedents to which he referred did not all of them occur prior to the Grenville Act, when the House itself decided as to the validity of the elections; and whether the noble Lord was prepared to favour the House with any precedent applicable to the particular circumstances that they had now to consider? Now, it was true that in the year 1842 there was a very strong Report submitted to that House, in which it was declared that extensive bribery had prevailed at Harwich; and it was recommended to the House at the time that, if necessary, a further and more searching inquiry should be made into the alleged corrupt practices, to see whether they were of so extensive a character as to justify the disfranchisement of the borough. The House, however, on that occasion chose to pass over the Committee's Report, and agreed to the issuing of a new writ; and if any act could amount to what was called condonation, unquestionably the House, with a full knowledge of all that had occurred in 1842 at Harwich had acted upon that principle. In 1847 an election took place, and there was a Report by an Election Committee to the effect that Mr. Attwood had been guilty of bribery by his agents, and that gentleman was in consequence unseated. But it was stated by hon. Members, in 1847 or 1848 (he forgot exactly which year), that the proofs of bribery were of so flagrant a character as to warrant the interference of that House, and to demand a further investigation. At that time an Act had been passed under the auspices of the noble Lord opposite (Lord J. Russell), by which, if in the course of any inquiry before an Election Committee that Committee had reason to believe that any charges of bribery had been withdrawn, or abandoned, or not *bonâ fide* prosecuted, it would be competent for the Committee to report that fact to the House, and the House might then direct the Committee to reassemble and investigate those charges. He was, therefore, entitled to say, with regard to 1848, when the Committee reported that Mr. Attwood had been guilty of bribery, and unseated him, that there was no evidence before the Committee to induce them to think that extensive bribery had prevailed, or there would have been a Special Report on the subject, nor to induce the House to believe that any charges of bribery had not been fairly investigated. Then he had a right to take his stand on the year 1842, and to consider whether, since that time, any circumstances had occurred to warrant the House—contrary to precedents, he maintained—in taking the extraordinary course of refusing to issue this writ. Now, at the two elections subsequent to 1842 it was not pretended by any one that the slightest bribery had been practised at Harwich. Well, what had occurred with regard to that suspension of the writ to which the noble Lord referred? Subsequent to the last election, his right hon. Friend the Judge Advocate (Mr. Bankes) presented a petition to that House, conveying charges that intimidation on the part of the late Government had considerably influenced the election; and under these circumstances it was not thought right to issue the writ. His right hon. Friend had since explained why it was that at the commencement of the present Session he had not renewed that proposition. Afterwards a notice was given by the hon. and gallant Member for Westminster (Sir De L. Evans) that he was prepared to bring charges of gross bribery against the borough of Harwich, and he asked the House to defer the issue of the writ until his allegations were considered. The House, however, after hearing the hon. and gallant Member's statement, did not consider that he had made out his case, and refused to issue the Commission of Inquiry for which he asked. Under all these circumstances, what was it the duty of that House to do? Was Harwich entitled to a representation in that House, or was it not? If there was no charge, and no intention to prefer any charge, he said they would do an injustice if for a single day they withheld the issuing of the writ, and prevented Harwich from being represented in that House. The argument of the hon. Gentleman (Mr. Bouverie), that the writ could be issued for the approaching general election, was perfectly inexplicable. Why would it be more fit to issue it after a dissolution than before it? The noble Lord (Lord J. Russell) had risen to vindicate his own consistency; but it appeared that he was anxious not to be driven to the necessity of being consistent, because he suggested that the hon. Member should withdraw the Amendment, and allow the writ to issue.

MR. CHISHOLM ANSTEY said, the House had virtually decided that no further inquiry into this matter was necessary, and under those circumstances he could not see how it could be made consistent either with former precedents or with reason or justice that they should refuse any longer that which was the natural right of a constituency. He should consequently vote for issuing the writ.

MR. DEEDES said, that, having acted as a Chairman of the Committee which sat upon the last election for Harwich, he could state that it was distinctly and openly declared by the counsel for the petitioner that he had never any intention whatever to charge the sitting Member, or any of his immediate friends concerned in the election, with any acts of bribery or corruption.

MR. MOWATT said, he wished to ask a question of the Government, which affected the character of that House for justice, good faith, and consistency. He wished to ask what distinction could be drawn between St. Albans and the borough of Harwich? The two cases were admitted to be parallel up to the year 1848; but the bribery practised at the last two elections could not be gone into because the elections were annulled upon preliminary objections.

MR. BOUVERIE said, that after the discussion that had taken place, he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Harwich, in the room of Robert Wigram Crawford, esquire, whose Election has been determined to be void."

REPAYMENT OF ADVANCES ACTS AMENDMENT (IRELAND) BILL.

Order for Second Reading read.

LORD NAAS moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. FITZSTEPHEN FRENCH said: Sir, in giving notice of my intention to oppose the Second Reading of this Bill, and in rising to carry that intention into effect, I beg to assure the right hon. Gentlemen opposite, that I have no desire to offer a factious or unfair opposition to any measures they may deem advisable to propose. I seek not to hold them responsible for the legislative enactments or the executive decisions of which I complain. They have no part in the Treasury Minute which is about to become the subject of discussion this evening—a document as unjust as it is illegal. Her Majesty's Government cannot be considered answerable for a course of policy which, however well-intended it may have been, has destroyed the capital and depopulated the shores of Ireland; on the contrary, I am bound to admit, that whilst they occupied the benches from which I am now speaking, every proposition for the amelioration of Ireland received from them a fair and generous consideration. I cannot forget that without a single exception they voted for an advance of 16,000,000*l.*, the professed object of which was the development of the resources of the sister kingdom. I feel, under these circumstances, if I can make out a case worthy of attention, it will receive at their hands a full and fair consideration. The Treasury Minute which it is the object of this Bill to confirm, is one stating that where the expenditure of any electoral division in Ireland for the support of her poor for the year amounted to 4*s.* in the pound, the treasurer should retain in his hands the whole of the consolidated annuity due from that electoral division; and where the expenditure for the support of the poor and the consolidated annuity amount together to a sum exceeding 4*s.* in the pound, then the balance to be paid by the treasurer on account of the instalments should be only the difference between the amount of the expenditure for the support of the poor, and the amount produced by a charge of 4*s.* in the pound. Now, a Treasury Minute like this, as affecting the local taxation of this country, would be a perfect nullity; but it was not so with regard to Ireland, for so heavily taxed was that unfortunate country, that even by this assistance, trifling as it may appear, a sum of 75,850*l.* would be released out of 245,000*l.*, leaving a balance of 170,000*l.* to be repaid to the Treasury. The proportions in which the sum would be remitted in the several provinces would be 276*l.* in Ulster; 3,073*l.* in Leinster; 24,017*l.* in Connaught; and 48,502*l.* in Munster. There has been delivered to this House a letter signed by Sir Charles Trevelyan, whose abilities I willingly admit, but whose inaccurate knowledge of Ireland and its affairs renders him peculiarly unsuited to the office of "child's guide to Chancellors of the Exchequer," saying that the result of this Minute is merely to establish a maximum charge for what he calls "the demands of the public" of 4*s.* in the pound. I contend that that will not be the mere effect of this Minute. The effect of this Treasury Minute will be, and must be, for the next forty years, to keep up in the great majority of the unions of Ireland, doubt, discontent, and excitement. The Minute is to be renewed every year; the effect of it consequently will be, to supply during that period a constant motive for the most wasteful and reckless expenditure of the poor-law fund. The managers and guardians of a poor-law union have only to manage to expend 4*s.* in the pound, and they are safe from all demands for that year from the treasurer on account of the annuity. Is it possible to conceive a more absurd or a more mischievous practice, circumstanced as Ireland is, than this? The Minute, in fact, says, "only be wasteful, and we will make no demand whatever upon you." Is it to be wondered at if Ireland is sinking, when the great boon for which we are called on to be grateful is that which generously offers us a bounty upon improvidence and mismanagement, and imposes a fine upon economy and thrift? No union is to share your boon until it has qualified itself by extravagance of expenditure and mismanagement. I come now to the Consolidated Annuities Act, the 12 & 13 *Vict.*, c. 14. This Act was passed to give the most uncontrolled and unlimited powers to the Treasury over the rateable property in Ireland. It was, in fact, a vote of confidence in the Treasury as regarded this matter. Under this Act, the late Treasury were able to do as they pleased. They were to decide, without any appeal, what the liabilities of the different unions amounted to. The unions authorities had no voice whatever in determining their decision; the Treasury having made their decision as to the liabilities of the unions, were to convert them into long or short annuities at their pleasure. Great as their powers were under this act, they did not satisfy the Chancellor of the Exchequer and the Treasury Board, but their first act was to assume a power not given them by this Act, or any other. They were not authorised to delegate their powers to any other body, yet the first thing they did was to delegate them to the Poor Law Commissioners; and having done that, I contend that every subsequent act is perfectly illegal. As I have said before, however, Parliament placed full confidence —personal confidence—in the acts of the Treasury, which thus acquired its power; there was an appeal made by the Chancellor of the Exchequer, in opposing a Motion made by the hon. Member for Leitrim, to allow this extraordinary power to be exercised by the Treasury. The appeal of the Chancellor of the Exchequer to the House was, that it "should not interfere with a discretion which had been exercised with so much moderation by the Treasury." His appeal was responded to by the House by a majority of 128 to 91. Confidence was thus voted by the House of Commons in the moderation of the Treasury; and I will show what that moderation was. The result of the united wisdom of the Treasury and the Poor Law Commissioners was, that an annuity of 245,000*l.* was charged on a debt of 4,422,951*l.* assumed to be due by the Poor Law Unions of Ireland —an amount of money, or anything like it, that I will undertake to show the House is not, and cannot, be considered due. Now what are the items of which this sum is made up? The first was not even borrowed by the Poor Law Guardians; it is an item of 1,222,707*l.* advanced to Mr. Nicholls for building workhouses; but it should be borne in mind by the House that of this sum 47,268*l.* was struck off on account of the shameful way in which the works were executed, on the report of a Government officer, Mr. Pennethorne, sent specially to inspect them. With the building of these houses, and the selection of the sites, some without water, some without sewerage, we had nothing to do; Mr. Nicholls was sent over to Ireland to examine into and report upon this subject; and the result of his recommendation was the extravagant expenditure included in this item. The House will recollect that the late Government chose to throw over altogether the able report of the Poor Inquiry Commissioners, and to adopt that of Mr. Nicholls, as their basis of legislation; and they avowed themselves responsible for its accuracy. Had they not done so, Parliament would never have sanctioned the measure, opposed as it was by Mr. O'Connell and a large majority of the Irish Members: as the Act passed solely on their responsibility, they should not be allowed to shrink from the consequences which attached to their conduct. Mr. Nicholls stated, as his calculation of the requirements of the country, that eighty workhouses would be sufficient for the relief of the destitute poor of Ireland; but in order that, by no possibility, there should be a deficiency of workhouse accommodation, he estimated for one hundred workhouses, each of which, reckoned at 7,000*l.* each, would give a total cost of 700,000*l.* He stated that the utmost that could be required for the accommodation of the poor of Ireland had been included in his calculation. He stated that by no possibility could more than 80 workhouses be required. We have now 163 workhouses. The sum of 312,000*l.* a year, he said, would be the utmost that could be required for the support of these houses, provided they were full, but that from his experience of workhouse administration in England, he had no hesitation in saying he was fully justified in fixing the entire amount necessary for the maintenance of these houses at 208,000*l.* Now the first workhouse in Ireland for the relief of the poor was opened in November, 1840, and if you take the sum of 312,000*l.* a year—the largest sum that it was stated could be demanded in Ireland for the relief of the poor for eleven years—it will give you the sum of 3,432,000*l.*; to which, adding 700,000*l.*—Mr. Nicholls's estimate of the cost of erecting these workhouses—you have a total of 4,132,000*l.* to be paid in Ireland for the support of the poor, from the opening of the first workhouse to the present day. If we had not paid that sum, I admit that we should not now be in a position to make out any case against the repayment of this money. But we have done more than that. Since that time we have actually paid 9,858,736*l.*, 5,000,000*l.* more than Parliament pledged itself should be demanded of us at the time the Bill was forced upon the majority of the Irish Members—5,000,000*l.* more than we were assured we should be called upon to pay. The Irish Poor Law was declared by the noble Lord then at the head of the Government, and it was at the same time admitted by Parliament, to be but an experiment. It has been, indeed, an experiment. It may have been an expensive one to you, but it has been a fatal one to us. However, I ask you only to be just, to adhere to your own bargain; and, if faith is to be kept with a body of men so despised as the representatives of Ireland, I ask you to rest contented with the case as it stands—with our having paid the sum you originally compelled us to become liable for, and 5,000,000*l.* in addition. You have received the maximum amount which upon your own estimate and pledge we were to pay you, and you have received 5,000,000*l.* more. Do not, then, call on us now for 1,200,000*l.*, which neither in honour nor in equity you can ask for. I object to the first item, not alone on account of the prostrate condition of the country from which you seek to exact it—under a law passed in direct violation of the articles of union between the two countries, but because Ireland has already repaid the amount, although she never was a party to the borrowing of any portion of it, nor received anything like fair value for it. The guardians of the Mallow Union, in a petition lately presented to the House, declare they have greater accommodation for 900*l.* expended by themselves than for 6,000*l.* laid out by Mr. Nicholls. The second item in the account is for the calls under the Temporary Relief Act, amounting to 782,228*l.* To this sum I have no objection whatever to urge. It was, I believe, honestly and fairly appropriated, and effected the purposes for which it was intended. It afforded relief, kept the people alive, and was not imposed by the nominees of the Government. To the third item, for advances under the 1 & 2 *Vict.*, c. 21, and 9 *Vict.*, c. 9, 170,228—to that sum I can have no objection when the works are completed, as they must be before the demand can be legally made, and then the money must be repaid by the proper parties. The baronies, and not the poor-law unions, are the parties liable. Let me call the attention of the House to the position in which these charges were. The Act under which they were contracted empowered the Board of

Works to execute certain works upon the presentment by a special sessions; and on their completion being certified, the grand jury to pay a moiety of the sum expended by a presentment on the barony in which they were executed. Under this Act the debts were owing when the works were completed. The Commissioners of Public Works then acquired a claim which they could legally enforce, and enforce against the locality. What was the boon conferred on Ireland in respect of this? These sums were sought to be levied, whether the works were completed or not; and the debt was fixed with interest, not on the barony which was originally liable, but upon a district totally different in extent and in circumstances. The debt was a debt of the barony when the works were completed. It was thrown upon the Poor Law Union, whether the works were completed or not. Not only was the money exacted without the terms of the contract being fulfilled, but it was exacted from persons who never contracted at all. It was an attempt to make A. pay the debts of B., and pay them when they could not either legally or equitably be enforced against B. When the special sessions presented a sum for any work, it was the duty of the Board of Works to ascertain whether the sum presented was sufficient to complete the work, and if an insufficient sum were presented, to decline the undertaking; but, accepting the presentment, the law bound them, as it binds all contractors, only to look for payment on condition of completing the work. I have no objection to the repayment of the Board of Works for performing that which, by law, they are required to perform; but I do object to the demand of the Treasury and the Poor Law Commissioners to pay for it before it is finished. Every one, I repeat, is aware that these are baronial debts—not poor-law debts—and should find their way into the half-yearly cess-accounts. Whatever Sir C. Trevelyan may think in this matter of account, the baronies and the poor-law unions are not the same. This is, in fact, as I have before said, an attempt to make A. pay the debt of B.; and though I do not object to the repayment of the money when it becomes due, I object, and fairly, to its being demanded of parties not liable to pay it, and before it is due. The amount claimed for labour-rate is set down at 2,046,784*l.*, giving credit for 258,000*l.* already repaid. Now, independently of the question—which is a very extensive one, and on which I should have a great deal to say were it essential to my present purpose—whether it is just that a national calamity, such as the Irish famine, should be met by other than national means—independently of that great question, I have very strong objections to admit that any rate, to the extent here claimed, has become due. A very considerable portion of this debt, according to the papers furnished by the Board of Works, remains quite unaccounted for. There is no statement from the Board of Works to show that anything like the money now charged upon us has been by them expended under the Acts. The result, as shown in two ways by returns before the House, is, that 460,000 persons were employed for six months at 10*d.* a day each, which gives a sum of 2,300,000*l.* Adding to this 205,000*l.* for superintendents, and say 100,000*l.* for implements, the total amount expended is only 2,605,000*l.* The Board state that they have expended 4,462,000*l.* But they have given a second statement to Parliament, which I have carefully gone through. In that return they state that the gross sum expended is 4,547,065*l.* 1*s.* 8*d.*, and that the number of persons employed was 356,314 for nine months. At 10*d.* a day for that period, the cost of this labour amounts to 3,474,061*l.* 10*s.*, whereas they state that they have expended upwards of 4,547,000*l.* Here, then, is a difference totally unaccounted for of 1,000,073*l.* 11*s.* 8*d.* I have another statement of theirs to draw attention to. They state the gross number of labourers employed for the period at 1,310,347, which, at the cost they return of 4,547,065*l.* 1*s.* 1*d.*, would give wages at the rate of 6*s.* 11½*d.* per head *per diem*. Great as this extravagance may have been, it is certain that no such wages as these were ever paid. How the money was really expended, I will proceed to tell the House; and I very much regret that more English Members should not be present at this moment, as I believe what I am about to say would make a strong impression on them. I will give a case not occurring in my own county, but in the county Limerick—and as to which I can assure the House that there is no mistake. At a sessions for that county, held at Newcastle, under the Labour Rate Act, the amount of work considered necessary by the magistrates and cesspayers of the county was ascertained and fixed, but some time afterwards an advertisement appeared in the local papers, that the Lord Lieutenant had called an additional session. Lord Clare inquired of Lord Monteagle by whom this session had been asked for; to which Lord Monteagle replied, that he knew nothing whatever about it, but that he was going up to Dublin, and that he would make inquiries there on the subject. On his arrival in Dublin he inquired at the Castle how this after-session came to be called, and he was informed by the Secretary that it had been demanded by the officers of the Board of Works. The fact that the officers of the Board of Works had applied for this additional session proved to be correct. They had asked it on the ground that the money originally granted at the former session would not be sufficient; that the works would of necessity be discontinued for want of funds; and that it would be very undesirable to leave them in an unfinished state. Under these circumstances, they stated, they thought it desirable to ask for another session, in order to procure the further sum which they considered necessary for the completion of the works. This seemed so sensible and so satisfactory to the magistrates and cesspayers at Newcastle, that they supported every proposition that emanated from the Board of Works. They adopted the estimates submitted to them by the Board, and at once voted the money which they were informed was wanted to complete the works. They gave no other presentment whatever. They said simply, "We will give you whatever your estimates are, and we will rely on the works being finished." Now the House, after this statement of facts, will hear with astonishment that not one sixpence of this money ever was laid out by the officers of the Board of Works. Having got this presentment, they did not apply the money in the manner represented, but they debited the baronies with the entire amount, and applied the money to make up a deficiency in their own accounts. Could it be a matter of surprise that they objected to the repayment of money so scandalously misapplied? In 1822, to relieve the famine in ten counties out of thirty-two, or about a third of all Ireland, a sum of 600,000*l.* expended under local management proved more than sufficient to keep the people from starving in the famine which at that time prevailed. In 1847 the famine extended to about two-thirds of the whole country, relief was given in 2,443 electoral divisions out of the 3,439 into which Ireland was divided. And I maintain that, with proper management under local control, notwithstanding the increased cost of food, 2,000,000*l.* or 2,500,000*l.* would have been amply sufficient to do all that was done in Ireland in 1847. But Sir Charles Trevelyan shows, by his own figures, that 4,436,854*l.*, in addition, has been squandered in the attempt to prop up a tottering law—a law which, but for these grants, could not have been supported—and to make up the deficiency which the blunders of the Government had occasioned. It is no satisfaction to us, when Ireland has been ruined, to think that England has suffered. Had the liberality of Parliament and the benevolence of Englishmen not been marred by the self-sufficiency and maladministration of those whom Government, ignorant of the real wants and capabilities of the country, invested with the administration of the relief funds, Ireland would not present the sad return she now does, of ruined proprietors, roofless houses, and unoccupied lands. The next item is something similar. It is a debt of 300,000*l.*, contracted under 12 & 13 *Vict.*, c. 14, to cover the money wanted by the Poor Law Board, in consequence of the rash and reckless extravagance of the Government officials. It will be recollected that the Poor Law Commissioners took it upon themselves to dismiss the boards of elected guardians, and to supply their places by paid nominees of their own. To show the effect of this substitution, in a moral view, it would suffice to refer the House to the petitions from Mohill, Carrick, and I might say from the majority of the unions in the South and West of Ireland. Even in a pecuniary way, as has been repeatedly shown in this House, it has been most detrimental to the Irish unions: there were returns that proved that an increase of debt had under their management taken place in the Listowel union of from 5,000*l.* to 12,000*l.*, in the Kilrush union of from 2,000*l.* to 12,000*l.*, and in the Ballina union of from 2,400*l.* to 21,400*l.* In common with the majority of Irish Members, I have always opposed this advance as a loan, and am still of opinion that the Irish unions are not fairly chargeable with money thus wasted. The next and the last item in this account is a charge of 3,000,000*l.* for interest, which I think ought to be charged upon the United Kingdom. During the debates on this subject, not a hint was thrown out about the payment of interest. We were reproved by the noble Lord at the head of the Government for not regarding the Bill as a boon to Ireland; one word in relation to interest never fell from the lips of the Chancellor of the Exchequer. We were blamed by the noble Lord for not appreciating the Bill as we ought. He said, "You think it is advantageous to Government, and not a boon to you." Now, how can that be a boon to us which converts a doubtful and ill-secured claim for 4,500,000*l.*, to be recovered, if possible, from three different bodies and at seven different periods of the year, into a substantial charge on all the property of Ireland for 7,000,000*l.* sterling, and that charge to remain in force for forty years? But this we are nevertheless called upon to regard as a boon; a measure passed, not for our accommodation, but for the security of Government. It may be asked, How can you expect that any extension of time for the payment of a debt can be given to you, without your being called upon to pay interest? There might be grounds, Sir, for that argument, if that extension of time had been intended for our accommodation. But such is not the fact. The extension of time was given, as in the case of a bankrupt estate, for the payment of the instalments, and to secure the Government as much as possible. This demand for interest may have emanated from the greatest financier of the age; but it was also worthy of the greatest usurer of the day. Is that the spirit in which this measure should be brought before the House? In the language of Scripture, "What the palmerworm has left, the cankerworm must consume." Governments are proverbially grasping; but this quite goes beyond the ordinary range of the exercise of their power. I regret very much, Sir, that my right hon. Friend the late Chancellor of the Exchequer is not in his place to answer me on what ground of justice this demand is made; and it may seem wrong in me to speak thus, in his absence, of matters in which he is largely concerned; but I can assure the House, that were the right hon. Gentleman present, I should speak in still stronger terms. Now, it has been very much the habit of hon. Members to speak of the heavy advances that have been made to Ireland; but when they hear of the treatment we have experienced in respect of them—when they hear of thousands after thousands having been wasted in spite of us—I think at least they should be ready to admit that there ought to be an inquiry into the whole question. Let a fair inquiry be made, and a fair statement given of the money we really owe, and it shall be cheerfully and punctually paid. I ask the House to remember, by the returns laid before it, that from the time of the Exchequers of the two countries being consolidated, down to the year 1828, the advances from the Consolidated Fund to England and Scotland amounted to 16,000,000*l.*, out of which 6,000,000*l.* had been repaid; while, in the same period, only 9,000,000*l.* had been advanced to Ireland, out of which 7,000,000*l.* had been repaid. I ask the House to remember the statement made by the noble Lord the Member for London, when he admitted that, during the last fourteen years, we have repaid 6,065,079*l.*, besides 385,295*l.* out of 431,990 for the rate-in-aid—which was forced upon us against our unanimous opinion—and besides this, also, that out of the 313,000*l.* advanced to the Shannon Commissioners, we have repaid, as I can state, 269,000*l.* Why, the noble Lord says, that out of the total sum assessed, 94 per cent has been repaid by us, that 4 per cent more was in progress of levying, being included in the rate-in-aid, and that but 2 per cent of these advances could be considered even as doubtful. More than this, during the five years that have elapsed since the famine, we have paid for poor-rates the sum of 7,414,434*l.*, independently of repayments to Government; and how, in the face of returns like those, can any one get up and say there is an evident disposition on the part of the Irish people to evade the fair fulfilment of the engagements they have come under? Now it is said that, on account of the income tax and assessed taxes, Ireland is not taxed to any thing like the extent of Great Britain, in proportion to her capital. On that subject the House will probably recollect the protest of the 18th of May, 1849, entered into by one of the most able as well as the most scientific men in Europe—I mean Lord Rosse—against the rate-in-aid; because, from his examination of the question, it seemed to him that we paid a much larger percentage on our capital, in the shape of taxation, than we should do. Lord Rosse's protest sets forth this as one of the grounds of protesting. He says: "Because, from the best sources of information at present available, it appears that Ireland pays a larger percentage on her income to the Imperial Exchequer than Great Britain, while she sustains a heavier amount of local taxation." Lord Rosse's assertions are easily made out. The gross income of Great Britain is 250,000,000*l.*, and that of Ireland 20,000,000*l.* Now, taking the revenue at 52,000,000*l.*, the proportion for Ireland will be 4,160,000*l.*, and 47,000,000*l.* for England. Yet Ireland contributed upwards of 5,000,000*l.* Again, as to local taxation, Great Britain pays 12,000,000*l.* on property valued at 105,000,000*l.*; whereas Ireland, according to the statement made by Mr. Griffith before the House, paid 3,270,853*l.* on property amounting only to 9,898,566*l.*, being a rate, for local taxation, of 6*s.* 8*d.* in the pound; whereas, on the above estimate, the local rate for England is only 2*s.* 3½*d.* From the returns laid before the House in 1851, I find that of certain rates, such as the poor's rate, the county rate, and the highway rate, the poor's rate for England amounted to 5,000,000*l.*, the county rate to 800,000*l.*, and the highway rate to 1,000,000*l.*; being a total, in 1851, for those rates. of 6,800,000*l.*, on a valuation of 68,000,000*l.*, or an average of 2*s.* in the pound. Now, in the same period, in Ireland, the poor's rate amounted to 1,200,000*l.*, and the county cess to 1,100,0000*l.*; giving a total of 2,300,000*l.* on a valuation of 11,500,000*l.*, or an average of 4*s.* in the pound; exactly double the corresponding amount for England. In a pamphlet attributed to the late Under Secretary of the Home Department, an authority not likely to favour Ireland, it was stated, "The valuation of property, rateable for the poor in Ireland, has undergone a considerable change during the famine. In 1847, it amounted to 13,187,421*l.*; in 1851, it was 11,580,518*l.*" Supposing the net annual value to remain stationary, the future local taxation of the country, apart from municipal taxes, parish cess, tolls, port dues, and light dues, may be estimated at 3*s.* 6*d.* in the pound (that of England being at 2*s.* in the pound) on the average. These words, "on the average," imply a much greater financial strain upon the local resources of a part of Ireland than appears upon the face of the preceding statement. There are considerable tracts in Connaught and Munster, where the poundage of 3*s.* 6*d.*, estimated as the average for Ireland, must be multiplied by two or three, in order to satisfy the general purposes of poor-rate and county cess expenditure; and there are electoral divisions in which 20*s.* in the pound will not satisfy the demands for poor-rate alone. In some electoral divisions in the county I have the honour of representing, there are rates of 11*s.* and 12*s.* in the pound in progress of levy. My hon. and gallant Friend the late Member for Scarborough assured me, not long since, that his property in the county of Roscommon has, in the last year, paid 16*s.*6*d.* in the pound for poor-rates alone. The effects of the famine ought to be considered, and I hope will be considered by the right hon. Gentleman (the Chancellor of the Exchequer). It must be considered that we have passed through a period of unexampled distress—that we have lost from the potato failure in 1847 no less than 60,000,000*l.*, besides paying 21,000,000*l.* for the food we had to import; that, notwithstanding these demands, we have paid 7,473,434*l.* in poor-rates, since the famine; and that our imports and manufactures have fallen from ten millions almost to four millions. I ask the House to consider these circumstances, and then to say whether it thinks that Ireland can be able to bear the imposition of such a tax as this, which is to be continued in force for a period of forty years. One-fourth of her population has fled from her shores within the last few years; and if this be persevered in, the diminution of her population must be more rapid than it yet has been. Let it be remembered that the germ of England's weakness is Ireland, and that the more she is suffered to sink in the social scale, the greater must the danger become. Recollect, also, that pressing all these demands upon Ireland is the very worst policy. Raise Ireland to your own level, and you will receive a larger sum in excise and customs duties when she is flourishing, than you will by exacting this miserable claim. I have endeavoured, Sir, to go over the items of this Treasury account, and to show that the demand which is made upon us is a demand which you cannot enforce, consistently with equity, and your own assurance given us when this law was passed. I have endeavoured to show that, of the six items of which the account is made up, there are but two that can, with even a shadow of justice, be urged. I ask you, then, to consider this subject. I say again that I have no desire to press Her Majesty's Government unduly on this point; but remember that it is a subject of inquiry before a Committee of the other House, and I think I do not ask too much when I ask you to suspend the levy until your demand has been fully decided upon by the report of the Committee. Let us be called upon to pay whatever sum is advised by the Committee, and we will do so with cheerfulness and punctuality. I have the utmost confidence in the Committee; but I would ask Her Majesty's Government to consider this question, and I implore them to do so fairly and generously. I trust that in that they will prove that their kindness to us, so long as they were on this side of the House, was well-intended and sincere. Let them claim from us whatever is justly due, and, having received it, let them devote it to the development of the resources of Ireland—to her railways, her commerce, and the employment of her labourers. By adopting principles such as these, I can assure Her Majesty's Government they will find the Irish people disposed cheerfully to discharge their obligations, and they will show to the world that they themselves have not shrunk, in office, from carrying out the propositions they advocated when in opposition. Sir, my object in opposing the Second Reading of this Bill has not been to throw any factious obstacle in the way of Her Majesty's Government, but more for the purpose of calling attention to the unfairness of the charges of which those items have been made up by the late Government; and under these circumstances, I am disposed to take any line that might be thought advantageous by the House. I beg, Sir, to move that the Bill be read a second time on this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. GRATTAN said, there was not the slightest doubt that Ireland had been plundered, and all they wished to know now was what had become of the money. From 1847 to 1852 they had been plundered under the care—under the special providence—of the late Government, who had always professed to have so much at heart the interest of Ireland. Where was the hon. Member for Montrose (Mr. Hume), where were the Manchester Members, who had supported this bad policy, and now shrunk from its exposure? Where was the hon. and learned Member for Youghal (Mr. C. Anstey), who was so ready to meet his constituents—so ready to resign when required—so certain of re-election—so zealous for the welfare of his country? and what, he wished to know, had been the result of their measures? The poor had not been preserved in life, nor kept at home. He held in his hand a statement giving a sad account of the state of things in the workhouses, showing that the morality of the people had not increased, while 117,000 farm-houses had been destroyed; and all this was while the country was enjoying the blessing of the Poor Law. Not only had the Poor Law failed, but the mischief was increasing; for the expenditure in 1849, when there was no famine, was actually quadruple to what it was in 1847, when there was a famine. To show the extravagant manner in which the Poor Law administration was conducted in Ireland, he would refer to a single instance. The case of Youghal was this: a sum of money was to be granted to build a workhouse in that town, and a Treasury Minute was issued for an advance of 9,000*l.* to build a house of that description, capable of containing 900 persons. The money was paid to the Poor Law Commissioners in October, 1851, and they, by a sealed order dated the 16th of September, 1851, declared that the repayment of the first instalment of the money was due on the 23rd of September in the same year: this before the money was advanced! Would the House believe that not a single stone of the intended workhouse was yet quarried? The people of Youghal had made contributions toward the erection of that building, yet, notwithstanding that, it appeared from a document he held in his hand from a very talented person (Mr. Fisher) of Youghal, that the stones with which it was to be built still remained in the ground. What was the fate of the individuals resident in those workhouses in Ireland? He asserted that, since the establishment of those institutions, there had been more deaths in Ireland than had been known at any particular period of her history. Between the years 1847 and 1850 no fewer than 227,000 deaths had occurred in the poorhouses in Ireland; that was to say, in those four years more than 1,000 individuals a week had died in those houses. For his part he wished that his hon. and gallant Friend the Member for Portarlington (Col. Dunne), who had been recently appointed Clerk of the Ordnance, would send some pieces of his artillery over to Ireland, and blow every workhouse in the country to the ground. It was said that the potatoes in Ireland were dying, and that so were the people; and those words had been unfortunately followed up by facts which bore them out. But how they were to get out of this difficulty was not easy to say. There was only one hope for them, and that was a confession on the part of the late Government that the calculations as to the value of the property rated to the relief of the poor in Ireland were erroneous. He acquitted the present right hon. Chancellor of the Exchequer, and his hon. Friend the Member for the University of Dublin (Mr. G. A. Hamilton), of any share in that miscalculation; but what he (Mr. Grattan) said was, that the Government, whether Whig or Tory, who had managed the country for a great number of years had done as much mischief in Ireland as they possibly could. The hon. Gentleman the Member for Roscommon (Mr. F. French) had alluded to 1822. He (Mr. Grattan) would remind the House that in that year 60,000*l.* was sent from England for the relief of the starving poor in Ireland, and that a large surplus unappropriated in that way was afterward advanced in small loans to the fishermen on the west coast of Ireland. Let the House contrast that circumstance with the present state of things. The people of Ireland were actually called on to pay interest at the rate of 7*l.* per cent on the loans which had been made to them in late years. He, therefore, asked the House to pause in that career of extravagance, to get rid of the workhouse system, and the whole staff by which it was carried on. They were demoralising the whole country, destroying the virtue of the women, and paralysing the industry of the men. The devastation that had been already committed was fearful to contemplate. He felt, if he were to proceed further in the discussion of this painful subject, that he should only disgust the House, and he would therefore content himself with repeating the hope he had already expressed that his hon. and gallant Friend the Member for Portarlington (Col. Dunne) would do his best, in his official capacity of Clerk to the Ordnance, to get rid of the workhouses, so detrimental to the morality and industry of the people of Ireland.

MR. CLEMENTS said, what he was anxious for, was not to get rid of the Poor Law, but to see it work well. It was intended by this Bill to legalise the Treasury Minute issued in October last. That Minute was stated to have been issued on a full consideration of all the circumstances connected with the Unions in Ireland; and it directed the treasurer of any Union, instead of paying the annuity as the law required, to retain in his hand any sum which he might have received from any electoral division in which the expenditure for the relief of the poor in the year ending September, 1851, had amounted to 4*s.* in the pound on the valuation then in force, and not to pay over the annuity due from such electoral division for the current year; and when the annuity for the current year, added to such expenditure, amounted for any electoral division to a sum exceeding 4*s.* in the pound on such valuation, to pay over such sum only in respect of the annuity as, together with the charge for the relief of the poor in the past year would amount to 4*s.* in the pound, and to retain the remainder in his hands. He might observe, in passing, that, inasmuch as each Union was liable to County Cess, which was on the average 2*s.* in the pound, the Treasury Minute contemplated at least 6*s.* in the pound for local taxation. Now, in England the average amount of local taxation was not quite 2*s.* 6*d.* in the pound, including poor relief and highway rate. But he quite admitted that if it was practicable to carry on the administration of the relief of the poor in Ireland with a payment equal to 4*s.* in the pound, they were bound to pay that sum. He did not wish in the slightest degree to repudiate any engagement they had entered into; but he maintained that the Treasury had always kept the House and the country in the dark as to the real state of the case in Ireland. It would be in the recollection of the House that during the famine the cause of the failure of the labour rate was not so much the indiscriminate manner in which applicants were admitted by the relief committees, as the attempt made by the Treasury to pay more than the ordinary wages to the people engaged in the works: wages such as were never heard of in that country were paid to the people engaged in those works. The whole reasoning employed in Sir Charles Trevelyan's Report assumed, not only that it had been attempted in Ireland to get rid of those debts, but that the arrangement made by the Treasury to remit the payment of those debts in certain cases was a fair and equitable one. It was well known that the province of Connaught was the most distressed in Ireland. The arrangements with respect to that province will be a fair illustration of the working of the Treasury Minute. A Return made to that House at the commencement of the present Sesssion showed that the expenditure during the last year in Connaught amounted to the very large sum of 197,000*l.* But the amount collected during the same period was only 150,700*l.*, thus leaving a deficiency of 46,300*l.* Notwithstanding this deficiency the Treasury had required the payment of 27,200*l.* for these annuities, thus making a gross deficiency of 73,500*l.* Yet it would be imagined by any one reading the Minute detailing the arrangements made, that an abatement had been made in every case deserving it. The way this arose was, that the Treasury had required payment of the annuity from every electoral division where the expenditure did not amount to 4*s.* in the pound rated. Thus the solvent divisions were made to pay, and the insolvents were excused; but as the solvent and insolvent were in the same Union, this money from the solvent divisions would have gone to meet the expenses created by the insolvent, for the House was aware that as a rate was collected it was paid into the hands of the treasurer, and at once became available to meet the general expenses of the Union from whatever electoral division arising, so that however much a division was in debt to the general fund, that fund was available for its expenses. It frequently happened that divisions were very much in debt, the collection being deficient, and the rates being also sometimes insufficient to meet the expenses; but so long as other divisions were in credit, the sum so available was expended for all. Thus, in this most distressed province, where they had not yet succeeded in making the collection equal to the expenditure, an existing deficiency had been materially increased. He felt persuaded that if Members generally understood the real state of the case, as he had endeavoured to explain it, they would agree with him that the Treasury were misleading the country, and that nothing could tend more to prevent these Unions from becoming self-supporting than the course they were pursuing.

MR. MOORE said, he was of opinion that the hon. Member for Roscommon (Mr. F. French) had introduced this Motion for no other object than to make a speech upon it. He thought it would be well for the Government to explain somewhat further their intentions towards Ireland. The most melancholy attempt at legislation of the late Administration was to be found in their measures relating to Ireland, and certainly the least respectable proceeding of the present Administration had been when, on a question relating to an Irish charity, their own Attorney General for Ireland had been obliged to vote against them. He (Mr. Moore) certainly had expected something different from this Bill from the hon. Gentlemen on the Treasury benches. It acknowledged a principle which had been condemned by their own supporters, the gentry, the country party in Ireland. He recollected, too, that not very long ago the right hon. Gentleman the Chancellor of the Exchequer had expressed his views regarding the burdens on land, and had then given his opinion that those taxes ought to be entirely defrayed out of the Consolidated Fund. [The CHANCELLOR of the EXCHEQUER: No, no!] Well, the right hon. Gentleman had certainly said that the greater part ought so to be defrayed, and he (Mr. Moore) hoped, now that he was in office, he would act up to his principles. He also saw that the noble Lord the First Minister of the Crown had stated his intention in another place of bringing in some measure for the relief of the impoverished agricultural classes; and he (Mr. Moore) thought those measures ought not to be deferred. And if the principle was of any value that the relief of the poor, which was a fluctuating and variable charge, ought to be a general one, surely so much the more ought the calamitous consequences of a disaster which defied all investigation, and uprooted all society, be endured by the community at large. It had been urged in favour of local taxation that local supervision was necessary in order to moderate the inroads of pauperism, which a centralising policy would be likely to increase; but was not the present system founded almost exclusively on the centralisation principle? The local Poor Law Boards were altogether controlled by a central body. In conclusion, he begged to disclaim any intention of passing a censure on Her Majesty's Government; but he hoped they would investigate this important question, and act up to the promises which they had made.

The CHANCELLOR OF THE EXCHEQUER: Sir, I wish to recall the attention of the House to the real question before us. The Bill before us is really a Bill of Indemnity, and the facts are these. The late Government, with, under the circumstances, a wise discretion, performed certain acts which the law did not justify. They embodied in a Treasury Minute measures which they deemed necessary in a period of exigency; and it should be recollected that all the propositions on that Minute, though they may not have been so comprehensive as may have been desired, or so extensive as some persons may have hoped, were all propositions of a remedial and mitigatory nature. Whatever may be the differences of opinion on the great question which has been touched upon in the course of this debate—namely, the relations that should exist between England and Ireland with reference to claims made under remarkable, and I may say unprecedented, circumstances, which will be fresh in the recollection of all present—there can be but one sentiment as to the character of the measures with which the Bill under discussion is connected. They were remedial measures—they were measures devised to soften, and to relieve; and, therefore, I could not have imagined that a Bill like this would have met with any opposition in this House, and least of all could I have conceived that an Amendment to read this Bill a second time this day six months, would have come from an Irish Member, and a Member for an Irish county. We can lay no claim to any credit in connexion with this Bill, save the humble credit of not shrinking from doing justice to those who have preceded us. The Bill was prepared by the late Government; it was submitted to my consideration when I first entered office by my predecessor; and it appeared to me that it was more than a just, that it was an equitable and a kind, Bill. It did not appear to me that in sanctioning it, I gave any opinion upon the large question of the state of Ireland with respect to public grants. It simply appeared to me, notwithstanding the peculiar circumstances of the Session, and notwithstanding the anxiety which we felt not to crowd the paper with numerous Bills, but merely to carry out the measures which were absolutely necessary, that this was an absolutely necessary measure, and that it might be passed without opposition, and even with cordial feelings on the part of Irish Members. Indeed it is unnecessary for me to vindicate this measure. I have not heard as yet a murmur against it. It is not pretended that this is a Bill to add to the taxation of Ireland. The relief which it secures may be less extensive than is desired, but it is a measure of relief, and it stands on its own merits. Those who support it are in no way pledged not to consider the larger question, and it is therefore quite needless for me to vindicate a law, not a portion of which has been challenged, questioned, or criticised. Some hon. Gentlemen have intimated that they would have preferred that the whole question should have been considered through the medium of some larger proposition. All I can answer is that this is a proposition founded upon an examination of the facts, and is a direct remedy to a certain extent for a peculiar and overpowering grievance. Those who support it are not stopped from bringing forward their general views on the subject; but I cannot understand how any one can desire that the passing of this Bill should be postponed, as suggested by the hon. Member for Roscommon. The hon. Member for Mayo (Mr. Moore) has made an appeal to me, couched in very ornate and courteous language, which I cannot comply with, because I cannot see that it bears any reference to the question before us. It is enough for me to say that I shall always be ready to uphold generally those opinions with respect to taxation to which the hon. Gentleman has referred. Such principles as I have laid down I trust I shall always assert, being convinced of their justice, and feeling convinced that if applied in a spirit of justice they would conduce to the advantage of the community. Undoubtedly, in the consideration of a question of that kind Ireland is not to be omitted. I have never considered the question of local taxation and omitted Ireland. On the contrary, I have always kept Ireland under such circumstances before the House, and I have shown how Ireland has suffered from an inequitable system of local taxation. With regard to the general condition of Ireland—as to the distress under which she labours; as to those burdensome engagements incurred in consequence of an unprecedented combination of circumstances, from which she has not yet successfully emerged—I have no hesitation in saying that there is, on the part of Her Majesty's Government, a sincere desire to review the state of Ireland in a comprehensive manner, with the hope of supplying some effective remedies to those social grievances of which there has been such loud complaint. But I must tell the hon. Member for Mayo that that is a task which is not to be undertaken in a hurried manner, and it certainly cannot be done in a Session in which on every occasion Her Majesty's Government, like other Governments, are exposed to being "worried." In serener hours we may be able to survey the circumstances like statesmen, and to see the different bearings of all these various questions one upon the other; and with such opportunity, I should certainly feel it to be the duty of the present Government—and I should certainly exact it from any Government, as one of paramount urgency—to consider the social grievances of Ireland, with the object of applying adequate remedies. It was no idle boast of my right hon. and learned Friend (Mr. Napier), on Wednesday, when he said that we were prepared to deal with the long-vexed question of landlord and tenant. That is a subject which had engaged my hon. and learned Friend's attention long before the formation of the present Government, and, undoubtedly, there is much anxiety to settle that great controversy. But that also is a question unconnected with the present one. It is an easy thing to come forward to this table and to propose Votes of money to necessitous proprietors. That, however, is not to my mind the manner in which we should deal with the burdens on land. We must view that question under its various aspects. We must endeavour to penetrate the deepest recesses of the question, and to grapple with all its most complicated relations. It is quite useless to attempt to relieve the proprietor or even the occupier in Ireland either from the burden of an imperial loan or from the weight of local taxation, unless, at the same time, the tenure of that land is placed in a more rational and satisfactory state—unless all those questions which arise from the tenure of land are, at the same time, put in a position which may offer some chance of a more satisfactory state than that which for many years has been experienced in that country. It is with those feelings the Government are anxious to deal with what is called the "Irish question;" and when we have the opportunity of viewing that question in all its various aspects, and in all its relations, we are prepared to consider the whole question of the local taxation of that country, and of the particular burdens under which society now labours. We shall do it with an earnest desire to do what we can to alleviate the condition of that country, and to remove the real sources of social grievances. This, however, has nothing to do with the Bill now before the House. For that Bill we are responsible only officially. It is a Bill of Indemnity for measures undertaken for the relief of a class which is less grateful than might have been anticipated; and under these circumstances I hope hon. Members from Ireland will perceive that this is not the happiest opportunity for a discussion of the character which has prevailed during a large portion of the debate.

Mr. MONSELL thought that the Government should make some specific statement as to whether they intended to proceed further in carrying out the principle of the Bill. That principle, he thought, would be most injurious in its effects. For what would be the result? Those Boards of Guardians who had previously exerted themselves to keep the rates below 4*s*. in the pound, when they saw no remission was made to them, would become careless. They would soon have the rates above that limit, since this Bill almost gave them an actual encouragement to it. Self-reliance had always been preached up as the great panacea for Ireland; but the principle of this measure would strike at the very root of self-reliance. He thought, therefore, that either the right hon. Chancellor of the Exchequer or the noble Lord the Chief Secretary for Ireland should give them some assurance that the Government only intended this Bill as a temporary expedient, and that they would not proceed further on the same principle. He would now say a few words to show of what vital importance the whole question was to Ireland. The yearly value of the land there was 11,500,000*l*., whilst the amount of the annuities, which was a local taxation, was 4,500,000*l*. Now let hon. Gentlemen fancy an impost of 40,000,000*l*. on the 103,000,000*l*. rental of England, and then they would have some idea of the comparative nature of the burden on Ireland. The weight of the recent calamity had principally fallen upon Munster and Connaught, the two most distressed provinces, and on the most distressed districts of those provinces. The county of Clare he might instance in particular, where the amount of those loans was three times that of the valuation of the whole county—that was, 60*s*. in the pound. And all this debt, he might further add, was contracted in the amazingly short period of five months. He again called on the noble Lord the Chief Secretary to give some more decided explanation of the future policy of Government in this matter.

MR. ROCHE would have suffered the Bill to pass without his opposition, had it not been for the observations of the right hon. Chancellor of the Exchequer. But he still recollected the speech of the right hon. Gentleman about burdens on land last Session, and not considering the present explanation satisfactory—it was as unsatisfactory, indeed, as all the other explanations of Her Majesty's Government, especially about land—he, too, would call on the noble Lord the Chief Secretary for Ireland to make the matter clearer. Or perhaps his hon. and gallant Friend (Col. Dunne) would volunteer, who, even while supporting the Whigs, had always been most energetic in denouncing their measures for imposing local taxation.

SIR HENRY BARRON heard with great satisfaction the speech of the hon. Member for Cork (Mr. Roche). That hon. Gentleman had always been a steadfast, an abject, supporter of the Irish policy of the late Government.

MR. ROCHE rose to order. It had been said that he had been an abject supporter of the late Government. Now, so far from being a abject supporter of theirs, he had not even been a consistent one.

MR. SPEAKER: The hon. Member for Cork has already spoken, and is quite out of order in now addressing the House.

SIR HENRY BARRON: The hon. Gentleman had said he was not an abject supporter of Whig policy towards Ireland, but at all events he (Sir H. Barron) asserted he was a steadfast one. Now he, on the contrary, would be a steadfast opponent of Whig policy in Ireland, and that was the reason for not moving over with the Whigs to the opposite side of the House, as he considered that would be a tacit identification of their policy and the whole course of his career. In the whole course of his reading he had never met nor read of anything so completely ruinous as the policy of the Whigs towards Ireland. He did not want to state that to Her Majesty's late Government in a roundabout way, for they deserved to hear it emphatically. Again he told them that they had ruined Ireland, for their only remedy for all her calamities was the same for ever, and that was taxation!—taxation!—taxation! When the late Government came into power, the local taxation of Ireland was 316,000*l.*, and this year it amounted to 1,100,000*l.* They had brought in alterations in the Poor Law by which the taxation of the country had been quadrupled; they had brought in a Rate in Aid for the comfort of a people ground to the dust, and on a people just rescued from famine they had inflicted new taxes. This they had done, knowing well that the resources of a country purely agricultural as Ireland was had been seriously diminished by the change in our commercial policy in the year 1846, a change by which 300,000 farmers in Ireland were driven off the face of the land. This they had done knowing that the population of the country was reduced by 2,000,000, and that at the present time 1,000 persons were weekly emigrating from the land of their fathers. Such was the state to which Ireland had been reduced by recent legislation; and yet the hon. Gentleman opposite (Mr. Roche) called on a Government scarcely in their seats to bring forward remedial measures for his distressed country. Did the hon. Gentleman who preferred this request forget that he and his friends were forcing—nay, irritating—the Government, on every possible occasion, to name the very day on which they would dissolve Parliament? and in the face of all this call on the Government for remedial measures for Ireland, the discussion on which would occupy not months but years. True to his principles, and true to his policy, the hon. Gentleman asked those in power to do that at once which his friends when in power had never even attempted. He believed the hon. Member for Roscommon (Mr. French) never intended to divide the House on this question. He thought, however, the opportunity was a fair one for giving expression to the sentiments of the Irish people on this subject. They were entered on the books as debtors to the Imperial Exchequer to the amount of 4,000,000*l.* or 5,000,000*l.* Now, the Irish people did not deny that the money had been advanced, but they said that the circumstances under which it had been advanced were not such as to have brought in the Irish people as debtors to the Exchequer of the Empire, but were such as to call for grants from the Exchequer to meet the disasters as far as practicable. It had been variously stated, by competent authorities, that the failure of the potato crop had entailed on Ireland a loss of from thirty to fifty millions sterling. He held in his hand official returns which proved that since the introduction of free trade, during the last five years, there had been a loss in the other produce of the country—in wheat, oats, swine, lard, and bacon—of 5,000,000*l.* annually, amounting in all to 35,000,000*l.*

besides the loss of the potato crop; and in addition to this, the Irish people had, during the last five years, imported food to the amount of 4,000,000*l.* annually. Now, under such a system it was utterly impossible that the country could prosper. Thus you find the production diminished by 65,000,000*l.*, and food imported to the amount of 20,000,000*l.* This in a country purely agricultural must lead to ruin. Did America, a shrewd calculating people, act in this manner to her agriculturists? and their neighbour, France, afforded to a certain extent protection to her manufactures. He would not deny that the repeal of the corn laws had conferred a great advantage on the manufacturing population of this country; but Ireland had no manufactures to sustain her. When famine impended over the people, that House had unanimously consented to open our ports for the admission of foreign corn, and also to the temporary abolition of the Navigation Laws. No one could resist such propositions to meet such a state of things. He supported their views, and would do so again under similar circumstances. He wished now to state distinctly to the right hon. Gentleman the Chancellor of the Exchequer the issue between the people of Ireland and the late Government. They maintained, first, that such charges as the Consolidated Annuities should never have fallen solely on Ireland; and, secondly, that accordingly as they raised the taxation of the country, they had diminished her means of supply. An able Member of the late Government, in a pamphlet called *Taxation, Finances, and Trade*, had claimed for the Government a triumph because they had effected a reduction in the poor-rate of Ireland from 2,150,000*l.* to 1,100,000*l.*; but the hon. Gentleman compared the reduced taxation, not with the year 1845, before the late Government took office, when the poor-rate was only 316,000*l.*, but with the highest rate of the tax during the raging of the famine —a comparison which gave a very fallacious conclusion, and was not just. He contended that one-fourth at least ought to be deducted from the present valuation in Ireland. Land that in 1844 sold for twenty-four years' purchase, was now selling at not more than fourteen years' purchase. Last year they had introduced a measure—the Medical Charities Relief—by which the taxation of the country was increased 100,000*l.* per annum; and the hon. Gentleman, in his pamphlet, had also committed an error in treating of this question, for he stated that the measure was merely a transfer from the County Cess to the Poor Law Cess. The fact, however, was, that only one-half of the County Cess had fallen on the ratepayers, the other half being voluntarily subscribed by those who could afford it, but now the whole tax fell on the ratepayers. He would affirm that instead of the valuation of Ireland being as Mr. Griffiths stated it to be, 11,500,000*l.*, it was more like 8,500,000*l.* Hon. Gentlemen should recollect there was this difference between the English and the Irish farmer. The former when rated at 100*l.* per annum, had 800*l.* or 1,000*l.* of capital, which enabled him to improve his farm, to meet the rate; but the latter, rated at the same amount, had seldom more than 200*l.* for the same purpose. It was, therefore, a false criterion to go by, that a man in Ireland could pay the same rate on the same amount of rating as a man in England could. They were taunted with not having capital in Ireland. Who, he would ask, would invest capital in a farm where the taxes for local purposes were in some districts 5*s.* or 6*s.*, and in others as high as 20*s.* in the pound? By crossing the Atlantic, a man could get land for much less than the bare taxation upon it in Ireland. He implored the House to think on this subject, and he would implore the Government to think on it also. He, for one, would support no Government on account of their professions; and he would oppose those now in power as consistently as he had opposed their predecessors, if he found they did not legislate for the benefit of Ireland.

MR. VINCENT SCULLY begged to remind the House that the sole matter before it upon the present occasion was—whether it would adopt a Bill introduced by the late Government, the simple effect of which would be to remit a small portion of those poor-rate annuities which had already been imposed upon the different unions in Ireland by an Act passed in a former Session. By that former Act certain Government advances, amounting to near 4,500,000*l.*, had been consolidated, and the repayment extended over periods varying from ten to forty years. The entire debt, with compound interest at 3½ per cent amounted to about 7,500,000*l.*, which sum was charged upon Ireland under the former Act. In respect of that sum the annuity imposed for the past year, 1851, was 245,000*l.*; out of which single annuity it was merely proposed by the present Bill to remit so much of it as was charged upon those electoral divisions whose poor-rate expenditure for that single year exceeded 4*s.* in the pound. It appeared from the Treasury report, dated March 27, 1852, prepared by Sir C. Trevelyan, for the purpose of justifying and sustaining these Consolidated Annuities, that the full sum proposed to be remitted by the present Bill was just 75,858*l.*, being about 1 per cent upon the entire charge of 7,500,000*l.*, or 2½*d.* in the pound. Now, the only matter for consideration was, whether that small remittance of 1 per cent should be accepted at present, leaving the remaining ninety-nine parts open for future discussion. He, for one, upon the instalment principle, would not object to accept this 2½*d.* dividend in the pound, from the exuberant generosity of the late Government; and, relying upon the professions held out by the present Government of their benevolent intentions towards Ireland, as well as upon the statement just made by the Chancellor of the Exchequer that the acceptance of the proposed remittance should not in any manner preclude the Irish ratepayers from desiring such further relief as it could be shown they were justly entitled to, when the proper time should arrive for discussing the whole of these consolidated charges. They would hereafter be in a better position to consider the extent to which the Irish ratepayers were fairly entitled to be relieved from a further portion of these annuities—not as repudiating any just debts, but as charges to which they should not have been made liable.

The O'GORMAN MAHON said, a notorious fiction existed, which, if it were possible to realise, would involve the public at large in interminable confusion—the fiction being that a stranger sometimes found his way into the House, and that in consequence their proceedings became matters of public notoriety; and on the present occasion he had listened to speeches from those he regretted to call his countrymen, which, in his opinion, would subject them in the minds of an honest Englishman, or an honest Scotchman, to the imputation of being either rogues or fools. Now, that was a kind of confusion he was most anxious to avoid, and therefore he disclaimed all identification with either of these classes. He severed himself from those who got up in the House and said they were not grateful for the relief which had been held forth to their country, and also from those who would not recognise as a boon the remission of those claims by which that relief was afforded. He was grateful to the givers of that relief—he was grateful to those who were desirous of remitting the burdens which were imposed on his distressed country; and he would say, expressing at the same time his regret that he was obliged to sever himself from those men who were not consistent to any principles, or to any form of government. When he first entered that House, he had taken a certain stand; he had attached himself to those who, when called on, had generously administered to the wants of his country, and had rendered them responsible for the relief they had afforded her. He had supported the late Government, and that he would, without fear of those now in power, continue to do. At the same time, if the right hon. Gentleman the Chancellor of the Exchequer realised the pledges which he had held out, of realising the benefits to Ireland which had been promised by the other party, but which had not been realised, probably because they were impeded by the party which was now in power, he could assure them that the gratitude of Irishmen would not be wanting. He called upon the House then to return to what was the real question, which was simply this—were they to support a measure which offered a boon, however partial, to Ireland; or were they to join in a cabal that endeavoured to defeat it? He, for one, said no; and he called upon his countrymen now in the House to sustain the Government in passing this Bill.

Lord JOHN RUSSELL said, the right hon. Gentleman the Chancellor of the Exchequer seemed surprised that a Bill which was so very simple in its object should have led to so much discussion; but if he had had a larger official experience, he would have found that this was usually the case with Bills relating to Ireland, more especially when it was proposed to remit a portion of taxation. The present Bill had this very simple object—that whereas the sum of 245,000*l.* for the year was due according to the Act in reference to Consolidated Annuities, the late Government, in October last, finding many of the Unions greatly distressed, proposed to remit 75,000*l.*, of which 48,000*l.* was from Munster, 24,000*l.* from Connaught, and 3,000*l.* from Leinster. The money advanced according to that Treasury Minute had not been paid into the Exchequer, and the present Government had thought fit to confirm the arrangement, and proposed to sanction it by Act of Parliament. He did not see that there could be any question with respect to that proposal. The late Government might be blamed for making the remission, but he did not think the House could hesitate to assent to that remission. A question, and he thought a very natural and very proper one, had been asked by the hon. Member for Limerick (Mr. Monsell), though, perhaps, it would not be wise in the Government to answer it—namely, whether the principle of the Treasury Minute last year was to be carried out further? Now, he was not prepared to defend the principle of that Minute; it was one, indeed, that could not be defended as a regular and permanent principle. But with regard to the whole state of Ireland, he thought any Government would find that they must depart from time to time from regular principles of economy, and that they must also from time to time apply remedies which might be useful at the moment, even though they were not in accordance with the ordinary rules upon this subject. Now, the present Government must, of course, exercise their own discretion in considering whether it would be mischievous to act again on the same principle, and whether, if they proposed to extend relief further, they might not do it in some other shape, and in such a manner as not to encourage improvidence on the part of the Unions. So far Government would do well to consider; and he should not blame them for departing from the principle of the last Treasury Minute, and adopting seme other. With regard to the several questions which had been raised to-night, he did not mean to enter into them, except to protest against the injustice shown by the hon. Baronet the Member for Waterford (Sir H. Barron) with regard to this subject. The hon. Baronet said, that in the time of Ireland's great calamity no remedy was applied but that of taxation. The case was really very different, for of the relief afforded to Ireland, 3,500,000*l.* was thrown upon the taxation of the United Kingdom, so that the taxation was paid by Great Britain, and not by Ireland. Besides this, other measures had been adopted. Loans had been granted, assistance to railways had been given, and other steps had been taken by which that House had attempted in some degree to meet the great calamity under which Ireland was suffering. When, too, they complained of the state in which Ireland had been placed by the calamity of 1846 and 1847, let hon. Gentlemen who represented that country always remember the state to which Ireland was reduced by the previous condition of society there. We all knew with regard to England and Scotland that there was in those countries, in the first instance, a regular system on the part of the landlord of making permanent improvements for the benefit of his land and of his tenantry. We also knew that the only food of the people in these countries was corn. Now, there was a total change of circumstances as regarded Ireland. In the first place, it was not usual for the landlord there to make a permanent improvement in his land. In the second place, there was in 1837 no system for the relief of the poor. Lastly, and most important of all, the food of the people of Ireland was principally potatoes; and those who had thought most on the subject had little doubt how dangerous the state of the country was with so great a part of her population depending upon a crop below which and beyond which there was nothing; so that any failure in it must subject the people to great distress, accompanied by all the horrors of impending famine. The condition of Ireland did not, therefore, arise from a single calamity ; and therefore, admitting any charge against the Government, there were in these circumstances difficulties which no one could meet, and which nothing but time would remedy. He should not enter into, or attempt to defend, the measures taken by the late Government on the subject of Ireland, which would be properly reviewed by those who calmly and impartially looked into the history of the period; but with respect to this subject in general, he left it in the hands of the present Government, though he thought they were perfectly justified in not declaring at the present moment what their measures would be during the current Session. He was very sorry to hear to-night that the system of threatening letters had not ceased, and seemed likely to spread. This was one of those evils which from time to time afflicted Ireland, and he had no doubt that object would receive the deliberate attention of the Government. He had no doubt also that the House would readily agree to the Bill now before it, to which, in fact, there did not seem to be any objection. When the general question, as to the sums payable by Ireland in consequence of those annuities, had to be considered, he should be prepared to give his attention to any measure of the Government on that subject. With regard to the future, he had no doubt that the present

Government, having inherited in the condition of Ireland a mass of difficulties and misfortunes, would give their best attention to the whole question, and that they would, at the proper time, declare what measures they proposed to remedy them. He was satisfied it was right that the landlords of Ireland should bear a share of the burdens which had befallen that Kingdom as well as the people of this country, though whether there might not be districts which were entitled to relief, was a subject well worthy of the consideration of the Government. He was happy to hear from the hon. Member for Limerick, what he had previously heard from other authorities, that there were districts in the west of Ireland which a few years ago were supposed to be irrecoverably ruined, that were now in a better condition than they had ever been before. He hoped the same thing would speedily be found true of other districts, and that happier times were coming for Ireland.

MR. H. HERBERT thought the remarks of the noble Lord who had just resumed his seat contained a warning to hon. Gentlemen opposite. The noble Lord had distinctly disclaimed the principle of the Treasury Minute which rendered this Bill necessary. It must be felt by Irish Gentlemen to be odious to refuse payment of claims upon them, and he had himself done all he could to prevent resistance to the law in regard to the repayment of these advances; but the Irish were aggrieved, and men could hardly be blamed for expressing dissatisfaction at being called upon to repay money when their suggestions as to its employment had been disregarded. A third of the advances under the Burgoyne Relief Act, as was stated by Sir Charles Trevelyan, were made to electoral divisions; and a change in those divisions had long been asked. The Irish asked for the same facilities as there were in England for working a Poor Law. He would recommend the right hon. Chancellor of the Exchequer to consider the declaration of the noble Lord the late Prime Minister, who, in approving of the Bill, stated his total disapproval of the principle on which it was founded; and he implored the right hon. Gentleman, in his future dealings with Ireland, to act upon principle, and bear in mind that what was right and just in England could not be wrong in Ireland.

MR. WAKLEY said, he could not see the good which was to result from this discussion. In fact, it reminded him rather of a consultation of another description than those which were usual in that assembly. There were actually three doctors in this consultation. There were those who had been discarded, those who had been called in and who had received the fees, and those who would no doubt gladly become recipients of the fees. The hon. Baronet (Sir H. Barron) was acting with the doctors who were in, and the only prescription which had been presented to the House was one which had been recommended by the doctors on the other side—in fact, it was actually found on the table of the discarded doctors. The hon. Baronet thought that prescription a wise one; the best that could be offered in the present condition of the patient. The State doctor, a master of language, intimated in a seductive tone what he intended to do; but that amounted merely to this: That he intended to make a close examination of the ailment with which the patient was afflicted, often a very rough process, producing much unnecessary agony. He had expected, after so much talk, to see some measure of a better description brought forward. But the hon. Baronet (Sir H. Barron) was constantly abusing the Legislature with regard to Ireland, without exhibiting that constructive power of mind which might be useful to his country. There was every anxiety to do justice to Ireland, for there could be no better policy in reference to the prosperity of this country than to raise Ireland to a perfect equality with England. The hon. Baronet had said that free trade was the fatal blow to the prosperity of Ireland. But what had protection done for that country? Was Ireland in a state of prosperity when more than half of the population was reduced to live in mud hovels and feed upon roots? Ireland had not been true to herself. No country could be elevated to the position of this country by Acts of Parliament. It was by acts of intelligence, by holding out inducements to the people to exert themselves, and by love of country, that England had obtained such an exalted character, and had risen to such a pitch of prosperity. He considered that the people of Ireland were much indebted to the noble Lord at the head of the late Government for the Poor Law, and he was of opinion that if protection were restored, nothing but misery, poverty, and ruin would be the result for Ireland.

MR. WHITESIDE said, he would not trespass long on the attention of the House. The hon. Gentleman who had last spoken in such a very professional spirit, laid upon the gentry and people of Ireland the blame of the condition in which that country was now placed. If it was necessary that Ireland should have had a Poor Law half a century ago, who had the power to pass such a law? The English people and the English Legislature had that power. True it was that the Irish representatives formed a part of the House of Commons, yet still the great majority was composed of the representatives of England. The hon. Gentleman (Mr. Wakley) then said, why did not the Irish representatives produce more large measures for the improvement of their country? As the hon. Gentleman had spoken so ably on the subject of Ireland, perhaps they might expect from his (Mr. Wakley's) statesmanlike abilities the introduction of such a measure. But when the hon. Gentleman censured the conduct of his right hon. Friend the Chancellor of the Exchequer, whom he (Mr. Wakley) had, in somewhat unusual language, styled the State doctor, for not bringing forward such a measure, he ought to have recollected that the Government had been but a very few days in office. Many hon. Members declared that they ought to dissolve Parliament forthwith; others, that there was urgent necessity for the immediate introduction of large measures for the improvement of that country. In the few weeks they had been in office, they had not had time to submit to Parliament those great measures with reference to Ireland which they intended. When they were introduced, he trusted that they would meet the views and obtain the support of the hon. Gentleman.

Mr. O'FLAHERTY said, he would not have risen but for the speech of the noble Lord the Member for London. The noble Lord had no more right than any other Member to criticise unfairly the debates of Irish Members on Irish questions. It was open to every Irish Member to debate a question, no matter whether English or Irish, independently and without regard to the feelings of the noble Lord, however great might be their respect for him as an individual. The noble Lord had no right to taunt Irish Members; and he, for one, would not submit to it from the noble Lord or any other hon. Member. With regard to the observations of the right hon. the Attorney General for Ireland respecting the Ribband system, and its extension throughout all Ireland, he (Mr. O'Flaherty) begged to state that the west of Ireland was entirely free from it, and that a more peaceful and industrious province than Connaught did not exist. He called on the right hon. and learned Gentleman to explain.

Lord JOHN RUSSELL said, he wished to say that he did not mean to prescribe any limit to hon. Gentlemen in their speeches. He had only wished to express his surprise at the nature of the discussion, and to say that such discussions were not unusual on Irish questions.

Mr. NAPIER said, he was not aware that he had said anything about Connaught. At an earlier part of the evening he had stated, in answer to the hon. Member for Cavan (Sir J. Young), that threatening notices were being given in many parts of Ireland, and that the system was extending. There was no part of Ireland of which he had a more lively hope than the west.

Question, "That the word 'now' stand part of the Question," put and *agreed to;* Main Question put, and *agreed to.*

Bill 2°.

CORRUPT PRACTICES AT ELECTIONS BILL.

Order for Committee read.

House in Committee.

Clause 1. (Upon Address of House of Commons Her Majesty may appoint Commissioners to make inquiry into Corrupt Practices at Elections.)

Mr. JACOB BELL said, he was anxious to make one or two observations on the Bill now before the Committee, in order to point out some defects in its provisions. The measure, to be serviceable, should increase the facility of conviction, so that the offence should be as certainly as possible followed by punishment; whereas, by the provisions of this Bill, considerable difficulty might be found in that respect. If the proceeding was to originate on an Address moved in that House, the plan would be open to great abuse, inasmuch as a party would only have to single out a borough liable to exception, and propose an Address to Her Majesty relative to that borough. If a Commission should be sent, another obstacle would arise under the 9th Clause, which stated that all witnesses are to be exempted from punishment, provided they make a disclosure of every circumstance connected with the inquiry. It appeared to him that the indemnity should only apply to cases before the passing of the Act, because in the case of prospective Acts a premium would be held out for the commission of the offence. The 500*l.* penalty was still to remain in force; but unless that penalty should be repealed, and a smaller one substituted, the Bill would be inoperative. The first case of corruption and bribery on record was that of Esau, who sold his birthright for a mess of pottage, but he never had the opportunity of selling it again; and every elector who sold his privilege ought to be treated in the same manner. If it were known that punishment would be inflicted in every case, the people would soon cease to commit the offence.

MR. WALPOLE thought the clause, as it now stood, gave a power to the majority, which might be abused to a very great extent, and he proposed, that before any inquiry should be instituted, there should be either the Report of a Committee appointed to inquire into the Election return, or a Committee generally appointed by that House to inquire into corrupt practices in the borough in which such practices were alleged to have been committed. If the Committee should entertain that opinion, a fair foundation would be laid for the issuing of a proper Commission. He would therefore move the following Amendment:—

> " To leave out from the beginning of the Clause to ' it shall be lawful,' in line 6, for the purpose of inserting the words ' when by an Address of the House of Commons it shall be represented to Her Majesty, that a Committee appointed to try an Election Petition, or a Committee appointed to inquire into the exercise of corrupt practices in any Election or Elections of a Member or Members to serve in Parliament, have reported to the House that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed in any City, Borough, or place in the United Kingdom electing or sharing in the Election of a Member or Members to serve in Parliament at any Election or Election of such Members or Member; and the said House shall thereupon pray Her Majesty to cause inquiry to be made under this Act,' instead thereof."

LORD JOHN RUSSELL objected to placing the matter in the hands of an Election Committee to report upon, but said he should have no objection to a Report from a Select Committee. He also thought it would be sufficient to insert the words "extensively prevailed," without using the word "generally."

MR. WALPOLE intimated that he acquiesced in the suggestion of the noble Lord.

MR. WAKLEY said, the object of the right hon. Gentleman the Home Secretary appeared to be to check the improper conduct of a majority. But surely, as the House pretended in theory to represent the people, it ought to be guided by the majority, and not by the minority. Such a change was extremely objectionable, and ought not to have been proposed without due notice.

MR. WALPOLE said, as the Bill was drawn, a simple majority might address the Crown, without any allegation or proof whatever. The object of his proposition was to protect the minority in case a majority should be inclined to proceed in an unconstitutional way.

MR. HEADLAM wished to know whether any public prosecutor would be appointed to bring the cases of corruption before Committees, and whether the expense of the proceedings would be defrayed by individuals, or provision would be made by the Bill for their payment?

MR. CHISHOLM ANSTEY believed the proposed Amendment would defeat the object of the Bill, for if it should be adopted the Bill would not meet such a case as that of St. Albans. In that case the Committee reported that there was no proof of bribery or treating, but that they had been prevented from inquiring by the corrupt withdrawal of witnesses. If this Bill had been the law at that time, the Queen would have had no power to issue a Commission. This showed how dangerous it would be to narrow the clause, and he trusted the noble Lord (Lord John Russell) would not consent to the change. He thought such an important Amendment ought not to have been proposed without due notice; and he should, therefore, move that the further consideration of the clause be postponed.

MR. MILES defended the Amendment, considering that the House itself was not the place where a discussion should take place whether a Commission should issue or not.

MR. VERNON SMITH supposed the right hon. Gentleman the Home Secretary meant to guard a rash vote of that House, or the vote of a majority in a small House; and for that he suggested an inquiry before either an Election Committee or a Select Committee. Now, he feared that neither of those Committees would answer the purpose, especially as a Select Committee was without the power of taking evidence on oath, or giving an indemnity to witnesses. He thought, however, that if the right hon. Gentleman had intended to propose this Amendment, he should have given some notice to the House.

MR. WALPOLE said, that when they went into Committee on a former night, *pro formâ,* in order that the noble Lord

(Lord J. Russell) might introduce Amendments into a Bill, he (Mr. Walpole) stated that he should in Committee propose the very Amendment or an Amendment almost to the effect he had just moved. It was very far from his intention to take the House by surprise, nor would he thrust anything forward if any serious objection were made to it on that ground. As to the clause, he was perfectly sure they ought not to give the enormous power of these Commissions of Inquiry unless upon something like a previous allegation of proof. He wished to throw a guard round places sending Members to Parliament, so that a small majority of that House, by an inconsiderate or single vote, should not have the power of putting in motion Commissions of this description, the powers of which were so great, that nothing but the necessity of the case could justify them.

Mr. T. BARING feared that this clause would allow an interference with the constituencies of the country by a majority of that House, because it was impossible not to see that it was in the power of the House at any time, upon any representation, without any evidence, to institute an inquiry into any borough for party or particular purposes. The Amendment of the right hon. Gentleman the Home Secretary said, there should first be the decision of either an Election Committee or a Committee specially appointed. An Election Committee would, of course, be according to the forms and acts of the House, but a Committee specially appointed might be carried and appointed and selected by any majority actuated by any hostile, personal, or political feelings. That was a very formidable power to place in the hands of a majority, and if they once established that a majority of the House might decide either on the tenure of a seat of a Member, or of the power of a borough, they would expose the rights of constituencies to a most tyrannical interference. The clause went to place in the majority of the House the power of deciding on the return of any Member. ["Hear, hear!"] What a premium to boroughs to send Members connected with the majority! for it was telling them, "You will have no Commission of Inquiry if you return a Member connected with the majority; but if you return one connected with the minority, you will be exposed to most vexatious proceedings, and have your rights taken from you." He would refer to the opinion of one who would be acknowledged by hon. Gentlemen

opposite to be a statesman. It was an opinion expressed in reference to the Grenville Act, and was to this effect:—

> "That Bill originated in a belief that this House, in the aggregate, was an unfit tribunal to decide on contested elections. It viewed this House as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion, capable of too much attachment and of too much animosity, capable of being biassed by weak and wicked motives, liable to be governed by Ministerial influence, by caprice, and corruption. Mr. Grenville's Bill viewed this House as endowed with those capacities, and judged it therefore incapable of determining upon controverted elections with impartiality, with justice, and with equity. It deprived it of the means of mischief, and formed a judicature as complete and impartial as human skill could conceive."

Those were the words of Mr. Fox with regard to the impartiality of that House as to controverted elections. Let him (Mr. T. Baring) ask, whether the House would be entirely free from those improper motives in its decisions when it came to decide upon constituencies?

Lord JOHN RUSSELL said, the hon. Member for Huntingdon (Mr. T. Baring) had taken unnecessary alarm respecting the measures that might be resorted to under this Bill. According to the Amendment, there must be in the first place the Report of a Select Committee that corrupt practices had extensively prevailed, and they would have great difficulty in obtaining evidence, even in the case of boroughs where corruption had notoriously been practised. But, suppose the evidence obtained to induce a Select Committee to believe corruption had extensively prevailed, the House would next be asked to agree to an Address to the Crown to appoint a Commission of Inquiry. Supposing the House agreed to that, and the Commission, consisting of certain barristers, well qualified to take evidence, was appointed, they would go to the borough, or in certain cases would sit in London, and take evidence on oath, and, if they were not provided with legal evidence that corruption had extensively prevailed in the borough, the whole case fell to the ground. For his own part, he had so much reliance on proceeding by Commission, he thought no mischief could have been done under the Bill as it originally stood, for, while he believed there were many boroughs in which corruption prevailed that had never been subject to inquiry, and still less to punishment, he was also of opinion that the common belief on this point went further than the fact, and it might be useful to show that general allegations of corruption were unfounded. But, supposing the great majority of the electors of the borough were corrupt, and were in the habit, election after election, of receiving bribes, then there must be a report from the Commissioners laid before the House. Did that disfranchise the borough, or inflict any punishment on it? None whatever. There must next be a Bill brought in founded on the Report, and passed through all its stages; it must go up to the other House, and, having been passed, must receive the Royal assent. He really thought sufficient precautions were thus taken that no unnecessary disfranchisement would take place. So far from that being probable, he, on the contrary, was afraid they had not yet sufficient means to enable them to meet the evils that existed. But the hon. Member was not right in supposing that this would strain the powers of Parliament further than they at present existed. He (Lord J. Russell) remembered many years ago, in the case of Grampound, moving for an inquiry at the bar of the House on the ground of a conviction obtained in a Court of Law. The Motion was carried—witnesses were examined at the bar, the corruption was proved, and a Bill was brought in founded on that inquiry. Grampound was disfranchised on that evidence, combined with the proceedings in the Court of Law. Now, there was nothing whatever to prevent the House, if it chose to inquire if corruption was practised at Harwich or in any other borough, to appoint a Select Committee, and to introduce a Bill to disfranchise it. The Bill did not confer any power on the House that was wanting; but evidence taken in that way at the bar, without further circumstances to corroborate it, would not be sufficient for the House of Lords, who would enter into a fresh inquiry, and take evidence on oath, and this proceeding would take a vast deal of time, and, after all, would not be entirely satisfactory. It appeared to him nothing was so satisfactory as the course adopted in the cases of St. Albans and Sudbury. The Bill only gave a better mode of inquiry, and he did not think it could be denied that it was better to take evidence on oath before impartial Commissioners appointed by the Crown, than to take a course of proceeding where parties accused of corruption had the means of suppressing a great deal of evidence. If the Bill was rejected, the powers of the House would remain the same as before; but there would not be the same means of ascertaining the state of the boroughs. If a borough was proved to be thoroughly corrupt, they could not do better than disfranchise it; if not, they ought to remove the disgrace which attached to it.

Mr. T. BARING had one suggestion to make. Let the evidence before the Select Committee be taken on oath.

The ATTORNEY GENERAL wished to know if the noble Lord agreed to the Amendment? [Lord J. Russell was understood to say he agreed to it.] The objection to the Select Committee might be obviated by acting on the suggestion of his hon. Friend (Mr. T. Baring), of giving the Select Committee power to examine on oath. The only precedents which existed for the issue of Commissions were St. Albans and Sudbury, in both which cases the Committees reported that extensive bribery had prevailed, and the Commissions were issued with the sanction of Parliament.

Sir WILLIAM PAGE WOOD said, he thought it would be an improvement to give the Committees the power of examining on oath, and he would suggest that the Commissioners should have the power of indemnifying the witnesses, as at St. Albans. That power was the reason of the success of the Commissioners, and the want of it accounted for the failure of the Select Committee.

Mr. R. C. HILDYARD said, that if the Committee adopted the plan proposed in the Bill as it stood, he had no doubt that its proceedings would be marked by the calmness and deliberation which were so highly to be desired.

Mr. WAKLEY said, that the observations of the hon. Gentleman opposite (Mr. T. Baring) were founded on a mistrust of that House in a judicial matter. His (Mr. Wakley's) object was to retain the Bill in its present shape, and he, therefore, would entreat the right hon. Gentleman the Home Secretary to allow this discussion to be postponed, in order that his alterations might be printed.

Captain HARRIS thought the Bill should be framed with a view to practical results. Select Committees were appointed by political feelings, though an appearance of fairness was attempted. The present law should be strengthened. Election Committees ought to be instructed to report on general bribery, and on that Report a Select Committee of men of experience should then be appointed to investigate the evidence on which the House could proceed.

Sir ALEXANDER COCKBURN considered that the hon. and gallant Member had forgotten that as soon as bribery was discovered by an Election Committee, one or other party withdrew the petition. He did not think a majority of the House would depart from fairness and justice to issue a Commission against particular boroughs; and he hoped, looking to the important object of the Bill, it would be received by the Committee in its present shape.

Captain HARRIS begged to explain that he meant that Election Committees should be strengthened in point of numbers.

Mr. CHISHOLM ANSTEY would remind the Committee, that the evil this Bill was intended to obviate was the expenses of inquiry previous to appointing an Election Committee, and this clause would not at all tend to diminish those preliminary expenses. He intended to move, that the further consideration of the clause be postponed until there was a fuller attendance on that side of the House.

Mr. BERNAL begged to inform the hon. and learned Member for Youghal, that he could not propose that Motion until the present question before the Committee had been disposed of.

Sir ALEXANDER COCKBURN said, he did not entertain the same apprehensions as some of his friends as to the tyrannic exercise of their power by majorities in that House, though he admitted that there had been occasions when an oppressive use of their power had been made by majorities. However, he did not think that, where the object was merely inquiry, majorities would be found in that House to act oppressively. Considering, then, the importance and value of the Bill for the purpose of preventing corruption, he thought hon. Gentlemen would do well not to peril the Bill, by refusing to accept it as presented by the Government. He would suggest that, in the clause referring to an Address to the Crown, an alteration should be made so as to prevent its appearing that the Address to the Crown should be forwarded on the Report of the Committee, as would be the case if the clause remained unaltered, instead of being founded upon the decision of the House itself. Under this Bill the expense would be immense, and the delay prodigious, and at the same time the effect would be futile. He would test the sincerity of the friends of purity of election, and divide on the clause.

Mr. BRIGHT said, the sole result of this Bill would be to give power to the Crown to issue a Commission, without the form of an Act to inquire into cases of bribery, after two votes of the House had been in favour of inquiry. There were two kinds of Committees at present—the Election Committee and the Select Committee; and no one who had sat on either of those Committees to try a case of bribery would deny the extreme difficulty of getting the Committee to agree to any report which might lead to ulterior proceedings against the borough. An Election Committee was composed of two Members from either side of the House, and one Member alternating between them. That tribunal was, perhaps, as impartial as the House could make it; but still the Member whose case was to be tried always considered it a favourable circumstance, if the Chairman of the Committee was chosen from his side of the House. That was a proof that they were not free from party motives, however they might intend to be so. If the Select Committee was composed of five, seven, or nine Members, the same state of things would arise; and if fifteen or sixteen, it would still be a party fight, without that feeling of responsibility which attached to a smaller Committee. He approved of the suggestion of the hon. and learned Member for the city of Oxford (Sir W. P. Wood), and he was very sorry the noble Lord (Lord J. Russell) had consented so speedily to the proposition of the right hon. Gentleman the Secretary of State for the Home Department.

The CHANCELLOR of the EXCHEQUER said, he really despaired of inducing the Opposition to pass any measures during this Session. This was the fourth time that the Government had been defeated in their efforts to accelerate the progress of public business. They wished the Militia Bill to be read a second time after the Easter recess; and who, above all other persons in the world, should rise up to protest against it but the hon. Member for the West Riding (Mr. Cobden)? He (the Chancellor of the Exchequer) then stated that he wished to make some arrangement for fixing a day on which to make the financial statement of the Government; upon which a distinguished Member of the Opposition, in the name of the Irish Members, implored him to give them at least a week to consider it. Almost the whole of the evening had been spent on a Bill which was only a proper indemnity to the late Government with respect to the Consolidation of Irish Annuities. At half-past eleven o'clock, having fixed to go into Committee upon that Bill, another Irish Gentleman (also a Member of the Opposition) asked the Government to postpone that stage of the Bill. Then they took up a Bill of very great interest and importance, also prepared by the late Government, and a Bill which certainly, as a dissolution was impending, ought not to be neglected; but they were told that it was of no use whatever, because they had proposed an Amendment, in which the noble Lord (Lord J. Russell), the highest authority on such subjects, acquiesced; and they were asked not to press the Amendment. He (the Chancellor of the Exchequer) would only say, that the Government being sincere in its desire to accelerate as much as they could the progress of public business, he could not accede to that request. Feeling assured that the Amendment of his right hon. Friend the Secretary of State for the Home Department was one that would render the Bill much more a security to the liberties of the people, and much more available for the objects which they all desired to accomplish, he called upon the Committee to adopt it; and if the other Motion—threatened also by another Member of the Opposition—should be proposed, he should ask the Committee to divide against it.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 26; Noes 137: Majority 111.

Clause *agreed to;* as were also the other clauses up to Clause 5 inclusive.

Clause 6.

Mr. WALPOLE said, as the Clause was then drawn, the Commissioners would have power to inquire into corrupt practices at previous elections, dating, it might be, ten or twenty years back, and by coupling those practices with the practices at the last election lay a foundation for the disfranchisement of a borough—though there might have been an intervening election at which no corruption had taken place. His Amendment would have the effect of allowing the Commissioners, if they found corruption at the last election to go back to the previous one, and so on until they came to an eleection at which those practices had not been proved to exist, when the inquiry should stop. With this view he begged to move, first, the omission of the words in the clause, "for such a period retrospectively as they think proper."

Sir ALEXANDER COCKBURN considered it a most mischievous Amendment. As he understood it, if there had been one single election where bribery had not taken place, the Commissioners were restricted from going behind that election. Now, they were all aware that the parties sometimes agreed that neither should bribe, or there might be a compromise. This Amendment, then, would defeat the object of the inquiry; therefore, he would suggest that if the Commissioners found an intermediate election, at which bribery had not taken place, they should report such fact to the House.

Mr. STANFORD said, the object of the Amendment was to fetter the Commission, so that they would not be able to elicit the truth.

Mr. BRIGHT considered that there was great inconvenience in discussing questions of this nature without the Amendment being printed. He would therefore move that progress be reported, and that the Committee ask leave to sit again.

Lord JOHN RUSSELL thought it would be better to have the Amendment printed. In his opinion, it would be unwise to fetter the Commission in their inquiry.

House resumed. Committee report progress.

MILITIA BILL.

Mr. WALPOLE said, that he had consolidated the former Acts relating to the militia by way of reference, and in order that all the provisions of previous Acts might be contained in a small compass. He wished upon this occasion to state his intention of introducing an important alteration into the Bill. He, therefore, gave notice, that should the House agree to the second reading of the Militia Bill, he would move the insertion of a clause in Committee providing that any person who served two years in the militia should be registered as a voter for the county in which he resided.

Mr. MILNER GIBSON gave notice that upon the Motion for the second reading of the Militia Bill, he would move that it was not expedient to proceed with the Militia Bill in this Parliament.

Bill read 1°.

The House adjourned at half-after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 5, 1852.

MINUTES.] PUBLIC BILLS.—1ª Copyright Amendments; Colonial Bishops.
2ª Mutiny; Marine Mutiny.
Reported.—Indemnity.

WAR WITH AVA.

The EARL of ELLENBOROUGH: My Lords, I fear that I may now speak without any incorrectness of expression of the war with Ava. As yet there has been, I apprehend, no declaration of war on our part, and it is not customary for Princes in the East to issue any such declarations, and therefore it cannot be expected that such a monarch as the King of Ava will make any change in that point of etiquette. We are, however, at war with Ava. The Government of India appears to have clung to the last to a hope that war would not take place; and yet it certainly made requisitions on the King of Ava which it must have foreseen would ultimately terminate in war, without having undertaken any of those preparations which such a war would of necessity require. In that country, and also in this, it appears that we cling to the hope that we may have as much or as little of war as we please. That, however, is not the case. War is a game that must be played by two parties, and we cannot deal with the King of Ava in this war as if he were altogether a dummy in the play, in order to conduct the game just as we please. If he should decide on assailing our provinces of Tennasserim, or of Arracan, or of Chittagong, or of Assam, he will subject our Government in India to very great embarrassment indeed; for he will have the advantage of acting on what is called an interior line of operations. Allow me, my Lords, to state to you, as shortly as I can, the circumstances connected with our last war in Ava, for it is necessary to see the magnitude of the crisis as it now stands. There was employed, my Lords, in the last war with Ava, a force of not less than 40,000 men —a force as large as that which the French sent to Algiers, and as that which Bonaparte took with him for the conquest of Egypt. There were 30,000 native troops, and nearly 7,000 European bayonets employed to form that force. Of the European troops two regiments, the 13th and the 38th, left Calcutta in April, 1824, 1,800 strong, and in January, 1826, they had not 500 men left fit for service in the field; and I believe that the mortality in the other European regiments was not inferior. I doubt much whether at the end of that war 10,000 men out of the whole 40,000 were fit for duty in the field; the whole army in Arracan was utterly wasted away, and was totally unable to afford any co-operation to the other forces. On the 11th of May the army landed at Rangoon, and it was not able to move from that place till the 11th of the February following. It was detained there for nine months, having been surrounded by a large Burmese army, and not being able to move forward. During that time the European troops lived entirely on salt provisions. No fresh provisions, nor vegetables, were to be had in the country; and when bullocks were sent them, every bullock sent from India cost in freight 10*l.*; in fact, during the whole of the war almost the whole of the provisions were necessarily sent from India. Notwithstanding the great amount of the force sent to Ava, I believe that the general, in advancing on the capital of that country, had never more than 5,500 men under arms at his command; and I know that on the 24th of February, 1826, at the conclusion of the war, he had with him only 4,000 men: to that small force had our grand army dwindled away. My Lords, we have undoubtedly now some advantages which we did not then possess; but the climate of the country continues the same, as also the same impracticability of moving in it for nine months of the year. We have also undoubtedly now great advantages in the rapidity of steam navigation; but we must not over-estimate them. We can convey troops and munitions of war to that country more rapidly than we could then, and thus our army will be better circumstanced than before; but I doubt whether we can convey them at less expense. Time is most valuable in military operations; but I doubt whether in point of cheapness the moving of troops by steam, is less expensive than before by means of sailing vessels. Moreover, our large steam vessels draw too much water to move much further up the river than Rangoon. The smaller steam vessels, however, which the East India Company possess, can be used above that point, and these by towing boats will much facilitate the operations of the army. But, at the same time, it must be remembered that the moment the army leaves the banks of the river—and nobody knows this better than the noble Duke (the Duke of Wellington) at the table—it cannot move without animals, and animals under such circumstances must be a great expense to an army; for, though these small steamers may convey men, they cannot convey animals. There is also another advantage which we shall have now, but which we had not formerly. The climate of Arracan, then so fatal to the troops under General Morrison, is supposed to be now much improved, in consequence of the land having been cleared. But there is always this to be recollected—that there is a great difference in the health of troops well covered, as they now are, and in that of troops exposed as our troops would be in the open field for military operations. I feel confident, however, that the health of the troops would not be liable to such loss as it was in the late war. But there are other circumstances very disadvantageous to us at present, as compared with the former occasion. Rangoon was then attacked by surprise; there was not the smallest expectation that our forces would be directed on that quarter, and 17,000 Burmese troops were then in Arracan. Rangoon was attacked by 10,000 men, and was captured without loss. We then proceeded to fortify our position, and to occupy the great Pagoda, which at once protected and was the key to it. What is the case now? By our operations, untoward as they are, we have indicated the point of our attack. We have had a collision with the Burmese on that point, and, without finding any fault with the officers in command, we have twice most unfortunately retired, after a collision, from the conflict. Now the mere circumstance of our retiring under such circumstances must give encouragement to the Burmese. The town of Rangoon, which we occupied before, is now destroyed, and another town, four miles up the river, is built beyond the reach of our steamers; and the whole of that position, and especially the Pagoda to which I have before alluded, with terraces of brick, each rising 15 feet above the other, situated on a height 200 feet above the level of the river, and commanding all the ground in the neighbourhood—that position is now fortified and stockaded in every direction, and defended by 100 guns. It is impossible, therefore, not to expect that great loss will be incurred in taking it; and it is to be attacked, not by 10,000 men, as formerly, but by a force not much above 5,000. Moreover, the circumstances are particularly unfortunate under which we are called on to carry our army into that country. The Punjab is not yet so settled as to make it safe for us to withdraw any considerable force from it; and, without drawing troops from the Punjab, we have not three regiments on the side of Bengal available to be sent there with safety. I regret, my Lords, to find—what no doubt, under the circumstances, was unavoidable—that one European regiment has been sent from Fort William—that there is only one regiment to supply its place, and that this has been sent from Dinapore, which is left without European troops at the very moment when we may be about to engage in another war: so that in the front of the Nepaulese we are withdrawing the only regiment which we have to defend Calcutta. There is also another circumstance to be considered, which I take to be one of a very serious nature. In the last war all the operations in Ava were carried on by the Madras army; and I attribute the sending of so large a portion of that army to Ava, mainly to the great personal influence and the great personal ability of Sir Thomas Monro. Without his influence, I think that the Government would not have been able to withdraw from that Presidency 23,000 men, or 28,000 men, including Europeans. I remember, with regret, certain passages in the recent history of the Madras army which make me doubt whether we can safely calculate on being able to despatch a large force from that Presidency on service beyond the sea. Your Lordships may not, perhaps, be aware that the Bengal soldier is accustomed to leave his wife and family in his native village when called into active service; but the soldiers of the Madras army take their wives and children with them into the camp; so that, when they go beyond the sea, all their families form a village, which is left without means of support. When I arrived, some years ago, at Madras, I found two regiments there, I will not say in a state of mutiny, but so disinclined to proceed to China as they had been ordered to do, that it became a matter of deep anxiety and apprehension to the Government; and the cause of this disinclination—so far as I can recollect the immediate cause of it—was the terrible state of misery and distress in which the wives and children of the men of the regiments which had already sailed for China were left. I am not aware, my Lords, of any alteration in the regulations of the service which can relieve the families of the Madras soldier from the distress which they suffer when their husbands and fathers proceed beyond the sea. Notwithstanding all this, I will assume, for I doubt it not, that we have entire success in the war. What will be the consequence of that success? I think that the King will fight to the last, and the result will be the entire dissolution of the Burmese empire; and then it will be for our Government in India to consider what it will do under such circumstances. I know, my Lords, that the Governor General will be placed in circumstances under which a great pressure will be brought to bear on him as to the policy which he ought to adopt. First, there are certain enterprising British merchants, who, having exhausted all the forests on one bank of the river and its tributaries, are very desirous of possessing the teak forests on the other side, for the purpose of carrying on and extending their trade by Rangoon; and these persons are in concert and connexion with the press at Calcutta, the movements of which I have always viewed with anxiety and distrust. They say that in consequence of our occupying the whole Burmese empire an overland intercourse with China may be established, and that great advantage would accrue to our trade from its extension along that Burmese frontier. Thus the desire to push forward trade, and to make the whole affair a money speculation, is the feeling which actuates the press of Calcutta. I hope that the Governor General of India will treat that press with the disregard which it deserves. But, my Lords, there is also another serious pressure which my right hon. Friend ought to disregard, and which it will be more difficult I am afraid for him to resist; that is, the pressure of a large part of the civil and of the whole military service. They have before their eyes the occupation of Affghanistan, which produced a complete revolution in the army of Bengal. That will always be the case where a great territory is to be occupied even for a time, and still more where a new territory is to be annexed to and brought under our dominion. Young officers are then placed in command of districts—others are placed in political employments, where they actually direct the operations of troops under the command of their superiors. Great rewards and distinctions are obtained—and, no doubt, great talents exhibited; and the consequence is that every man, with a natural ambition, looks forward to the distinction and promotion he may attain; and it is most natural, with these feelings, that the idea of a new war, likely to terminate in new conquests, is dear to that army—an army full of enterprise, and of those feelings which naturally excite military men to great actions. There is, however, nothing I should view with greater apprehension than the annexation to our empire of a large portion—ay, or even of any portion — of the Burmese territory. It is essentially a false position. My Lords, you must have seen before now that, with the greatest ability on the part of our generals, with the greatest courage on the part of our soldiers, and with the most perfect equipment on the part of our army, it is very difficult to retain, even for a short period, an eminently false position. A false position is as dangerous to an empire as it is to an army, and always ultimately vindicates its power over those who sin against the first principles of true policy. I feel, my Lords, perfectly satisfied that the annexation of Ava, drawing in that direction a large portion of the vital resources of the British empire in India, will weaken us in points where the exertion of all our force is required, and will materially impair both its civil and military strength. It is because I entertain these apprehensions of the consequences of the military occupation of Ava, and of the possibly fatal effects of even the most complete success, that I request you, my Lords, to call on Her Majesty's Ministers to produce such papers on this subject as can be produced without detriment to the public service, for the purpose of making us acquainted with the causes of this war. I have not heard that any trustworthy officer on the part of the Government has been sent to Rangoon to ascertain the facts out of which it has arisen. They rest entirely, I believe, on the authority of persons who went with their complaints to Colonel Bogle, at Moulmein. What value is to be attributed to their statements we know not; but this we do know—for it is stated, with a degree of confidence almost inclining us to treat it as correct—that the total amount of the indemnity which we require from the Government of Ava is only 900*l.*; and yet to obtain that sum all these public dangers which I have recounted are to be incurred. Now, my Lords, when I look at the character of the trade carried on at Rangoon, I cannot help looking with suspicion at the statements made by any of the persons concerned in it. One of the most considerable traders at Rangoon is a person of the name of Crisp. That man, as soon as he knew of the probability of war, freighted a schooner with arms, and sold it to the Governor at Rangoon. When the Governor refused payment for them, he had the effrontery to go to Commodore Lambert and complain of the injury inflicted upon him. I suppose we shall hereafter see the amount of the compensation claimed by that person (Crisp) in the bill to be paid by the Burmese Government. The Governor of Rangoon offered in consequence 100*l*. for this man's head; and I confess that I should not have been deeply grieved if he had got it. This is a description of one of the persons for whom this great war is to be undertaken; I confess I look upon the matter with great anxiety. If our reputation and honour be at stake, no matter however small the injury, war must be submitted to, and we must endure it; but if there is not an overwhelming necessity for our interference at present, for the reasons I have stated, I think we ought not to interfere. There is also another peculiar objection to it at the present time. The services of the Madras army, we heard several months ago, were likely to be engaged in a different affair with the Nizam. We heard that the Indian Government, as a creditor of the Nizam, had required him to pay a certain sum of money, and that if he did not pay it by a certain day, his territory was to be occupied and his troops put down. The Governor General must consequently have looked forward to a collision with the Nizam as a probable occurrence; and I think, therefore, that he would not have made such a demand without having a certainty that he had the Madras army in hand; for the town of Hyderabad is in the hands of the Arabs, and so are half the forts in the Nizam's dominions. They will defend them with bravery, and no prudent man would engage in operations in that country without having the whole of the Madras army in hand for that purpose; and, unless we postpone the demand for that payment, the Madras army will be called upon to carry into effect two distinct and distant operations at the same time. I hope, my Lords, that my noble Friend opposite will not think it inconsistent with his duty to lay the papers to which I have referred on the table, in order that we may know on what grounds the Government of India is proceeding in this matter.

Motion—

> "That there be laid before this House, Copies or Extracts of Communications which may have passed with reference to Hostilities in Ava."

The Earl of DERBY: My Lords, with regard to the military grounds on which my noble Friend has based his observations, I have only to say that he speaks with a knowledge which gives him great advantage on any point which he thinks necessary to discuss. But whatever may be the difficulties which attend the operations now going on in Ava—and I am afraid I must agree with my noble Friend in his description of them as a war—whatever the difficulties and obstacles with which we may have to contend, I am quite sure that my noble Friend would be the last man to desire to shrink from a war, if war were necessary, for the due protection of our fellow-subjects. On the other hand, whatever may be the feeling of the public press in Calcutta, or of those "enterprising British merchants" whom my noble Friend has described, endeavouring to promote trade, or of the Army anxious to win fresh laurels in the field—however they may press upon my noble Friend the Governor General of India any extension or accession of territory—I am quite sure, whatever motives they may have to acquire territory, that there is no man more averse to such acquisition of territory than the Governor General; and I agree with my noble Friend that great inconvenience and disaster would be likely to result from a large accession of territory in the district alluded to. I hope when the papers are produced for which my noble Friend moves, and which, to a certain extent, there will be no difficulty in producing, that he will be satisfied that there has been no desire to incur all the responsibility and hazard of war, but that, on the contrary, the Indian Government has been anxious to avoid recourse to hostilities; and that, upon the other hand, the measures of my noble Friend the Governor General have been so prompt and ready as to lead to the reasonable conclusion that there will be no protracted hostilities with the Burmese empire; and that these hostilities will end in the entire success of our troops; though not, as my noble Friend seems to think, with the dissolution of the empire of our adversary. My noble Friend has thrown great doubts on how far we should be justified in acting on the representations of the merchants of Rangoon without previous inquiry. I am not at present in a condition to enter into the merits of those claims; but their justice has been admitted by the King of Ava himself; for, on representations being made to him with regard to those claims by a a former Governor of Rangoon, he not only acquiesced in them, but marked his displeasure at the conduct of the late Governor by removing him from his government, and substituting another in his place. Whatever may be the policy of the King of Ava now, that, surely, is a *primâ facie* justification that the claims for indemnity to the amount of 9,000 rupees were not put forth without just cause. On the 6th of January last, Commodore Lambert, in execution of instructions he had received, proceeded up the river to confer with the new Governor of Rangoon. The first communications with him were not of an unfriendly character. He received on board his vessel a deputation of persons—persons certainly not of very high rank, but he acted wisely in waiving the etiquette on which he might have stood—and received from those persons a communication not by any means unfriendly. He then sent Commander Fishbourne to have an audience of the new Governor—it was necessary for him as Commodore to remain on board the frigate—and that officer was instructed firmly to demand compliance with the terms we had before demanded. In performing this duty, Commander Fishbourne, and the officer who accompanied him, from whatever cause, were subjected to a series of indignities and insults which it was impossible for him as a British officer, acting under the orders of his Sovereign and in the public service, to permit. Whether these indignities arose from a mistaken idea of dignity on the part of the Governor of Rangoon, I will not undertake to say; for Commander Fishbourne (he being the second officer in command) having refused to communicate with any one but the Governor himself, they were kept waiting outside the village, and told that the Governor was asleep, and could not be disturbed. They were then subjected to a series of insults and indignities that could not be taken in any other sense than as premeditated, and which the meanest person could not have viewed otherwise than as insults. Every communication was addressed to Commander Fishbourne, as from a superior to an inferior, couched in language implying superiority on the part of the Burmese; and no nation is more touchy and sensitive about dignity and forms than the Burmese. On receiving information of the insults offered to Commander Fishbourne, Commodore Lambert said it was impossible that he could continue communications with such a Government, and actually withdrew; but unfortunately, as I think, by way of retaliation for the insults offered to his officer, taking on himself, without previous instructions, to seize a vessel of the King of Ava, which he carried with him. In passing down the river with this vessel, his ship was fired on from a stockade; and I think the noble Earl will admit that, hostilities having been thus commenced by the Burmese, it was the duty of Commodore Lambert not to submit to such an insult, but to return the fire, which he did so effectually as to silence the stockade in a few minutes. In passing, I must say that my noble Friend adverted to the fact of two expeditions having been sent to the factory, in both of which hostilities occurred, as if he thought that this expedition was sent for hostile purposes, and that then upon the commencement of hostilities our ships had retired; but so far from this expedition having been entered on with hostile objects, in a subsequent letter the Governor of Rangoon himself pressed this point on our Government, that Commodore Lambert had no instructions to act hostilely, that he had come as a messenger of peace, and not of war, and that he had withdrawn without attempting to execute his mission. The withdrawal of that officer could not, then, have given that encouragement to the Burmese which had been represented. Commodore Lambert reported his proceedings to the Governor General of India; and, of course, the Governor General could not but be sensible that this unfortunate transaction must lead to critical events, if not to war. Not a moment was lost in taking those precautions which I am sure my noble Friend will think ought to have been taken, namely, to protect Moulmein and Arracan, and making other preparations to support our forces if hostilities should become necessary. But, although these preparations went on, yet, the fact is, that, immediately subsequent to the withdrawal of Commodore Lambert, there came a letter from the Governor of Rangoon, complaining of the course that had been pursued by that officer, and expressing his willingness to comply with the original requisition. On receiving this answer, the Governor General, not suspending the preparations he was making for military proceedings, but having collected two Queen's regiments, five Native regiments, and a considerable force of European artillery, sent round to Bombay for the steam force—and this will show the efficiency of the Indian navy—that force was despatched in five days after the requisition. The Governor General, not suspending his preparations, and anxious to prevent the renewal of hostilities, but not to supersede Commodore Lambert, charged Commodore Lambert to proceed with a letter to the Governor of Rangoon, in which he stated that, on a compliance with the original demand, and an expression of regret on the part of the Burmese Government for what had taken place, the ship would be immediately restored, the blockade that had been instituted would be raised, and terms of friendship again entered into between the Governor General and the Governor of Rangoon. I think my noble Friend will admit that the Governor General of India could hardly have taken a more conciliatory course, or one more likely to avoid war. Commodore Lambert found, on arriving, that the ships were too far down the river to enable the message to be sent by the boats, and consequently the *Fox* was towed up by steamers, for the purpose of taking the letter; and, to prove the pacific character of the mission, the guns of the *Fox* were not loaded, and the tompions were actually upon the guns. They were fired on by the Burmese stockade. In three minutes the fire was returned, the stockade was silenced, and Commodore Lambert proceeded up the river and delivered the message. The answer evaded all compliance with our terms; it evaded giving satisfaction for the original claims, or for the further demands afterwards advanced by the Indian Government; and it proposed that the negotiations should be transferred from Rangoon to Martaban. On the receipt of the despatches containing this intelligence, the Governor General in Council, with the unanimous consent of the Council, thought that no time should be lost in trifling, but that it was necessary at once to strike a blow which it was hoped would supersede the necessity of any hostilities with the Burmese empire. At the same time, the Governor General was determined to proceed with his preparations, and to despatch his forces, so that they might be ready to be sent by the latter end of last month. The Governor General did not even then relax his endeavours to come to terms; for simultaneously with sending that expedition he sent a further communication to the King of Ava—not to the Governor of Rangoon—stating that if the King of Ava would express his regret for what had occurred, and if the original conditions were complied with, and the expenses incurred in our preparations defrayed, hostilities should be stayed, and peace be restored. The Governor General is as well aware as my noble Friend can be of the great inconvenience of any protracted hostilities at that period of the year when the rainy season is commencing; and I believe that my noble Friend the Governor General has no further intention that to despatch such an expedition to strike a blow against Rangoon and Martaban as will be sufficient to produce terror in the minds of the Burmese. By a single blow struck without delay, and showing the efficiency of our preparations, peace may be yet restored on terms honourable to the British Government, and not involving any continued occupation, possession, or annexation of any portion of the Burmese empire. If those steps which are now being taken are not successful before the rainy season commences, in inducing the Burmese authorities to tender their submission and enter into terms of peace, it will be for the Governor General to consider what duties and responsibilities will devolve upon him in the more serious and arduous struggle which will be forced upon him. I have to hope that no such consideration will be forced upon him, but that terms will be agreed upon under terror of the force that has been so promptly despatched. I am sure the Governor General will not neglect any steps which his duty calls on him to take, and which are necessary for the security of the empire, and for the maintenance of the dignity and honour of the British name. My noble Friend will believe that there is no man more anxious than he is to avoid war, and to avoid what I should consider as a great misfortune—the compulsory annexation of the Burmese empire. I make no objection to produce such papers as can be produced without injury to the public service. If my noble Friend will move for extracts from papers with regard to the hostilities in Ava, I shall have no hesitation in producing such as will be sufficient to satisfy both him and your

Lordships, that, without any undue shrinking from the responsibilities which have devolved upon my noble Friend, the Governor General has taken every step in his power for the purpose of avoiding hostilities, consistent with our dignity and honour, in the maintenance of which are involved the safety and security of our Indian empire.

The EARL of ELLENBOROUGH said, he would make the required alteration in his Motion. He concurred in the observations that had been made by the noble Lord. He had not said that war should not take place if it were necessary to support the honour and dignity of the country. If it were so, might God prosper our success! He would therefore move for extracts from any papers explanatory of the grounds of the war with Ava.

Motion *agreed to.*

FOREIGN REFUGEES.

LORD BEAUMONT, in rising " to call the attention of the House to the Correspondence laid on the table respecting Foreign Refugees, and to move for Correspondence respecting the detention of the Rev. Mr. Wingate," said, that he should not have troubled the House upon the present occasion had it not been that the papers that had been laid on their Lordships' table were calculated to lead to an impression that Her Majesty's present Government intended to make a change in the policy which this country had invariably, heretofore, pursued with regard to those persons, who, in consequence of troubles in their own country, were obliged to seek a refuge here. He trusted that this impression was a false one, and that the Government of this country did not intend to abandon the principles so ably laid down in the despatch of his noble Friend (Earl Granville) near him, of the 13th of January last, and so invariably acted on by this country. He trusted that Her Majesty's Government did not intend to act the spy, to play the eaves-dropper, to dog the heels of every person of political character who arrived here from a foreign country, to render the asylum this country had heretofore afforded a mockery, and to make a residence here at least as painful and as restrictive upon the liberties of foreign refugees as that of their own country would have been. Yet this, and more than this, had been demanded by Foreign Powers; and though they had little hope of having those demands complied with by the late Government, some steps in that direction had been expected by them, at least in a modified sense, from the present Government, as it appeared to him from the correspondence that had passed. However original might be the ideas of Her Majesty's Government with regard to the elective franchise, and various other matters of domestic policy, he trusted they were not going to abandon that line of conduct or those principles which had invariably signalised this country as different from all other countries in Europe, and made it the country of those who had lost their own. He would attempt to prove that the liberty we afforded to these refugees, while it was an honour to this country, was also beneficial to the Governments from which those refugees fled, and was conducive to the general tranquillity of Europe. Suppose that this country and America did not afford an asylum to political characters in adversity, but delivered them up to their own Governments, or made their sojourn here so oppressive that they preferred to remain at home, those Governments would then be obliged, when the tide of emigration now setting in on our shores was turned back to them, to fill their prisons, and to increase both their armies and their police establishments. What would be the effect of such steps with regard to those Governments? They would bring increased discredit on them—they would raise strong feelings against them, and spread discontent in the land—they would increase the passions they were intended to repress, and the very thrones of those countries would be in imminent danger from the odium such conduct would excite. Under our present policy, what was the position of the refugees in this country? They who, in their own country were listened to with great respect, in our multitudinous society were immediately lost, and became an injury to no one. When a refugee landed on our shores, he was entitled to the protection of our laws, but he was also bound to obey our laws. When he arrived on our shores he had the same liberty as one of our own subjects: he was allowed to advance, as loudly as he liked, his opinions on the conduct of those Governments from whose persecutions he had fled—he was allowed openly to lecture on the defects of the Government under which he had previously lived—to discuss all political matters in the public press—the pages of the newspapers were open to him to disseminate his opinions: he had, in fact, every advantage and liberty which our own subjects enjoyed. Yet it was to take away this liberty that foreign countries had applied to this country. What was the effect of this liberty? Why, that these persons arrived here with every opportunity to make known their feelings; but they found that their voices, with all these advantages, were lost in political discussions that were going on here, and that, however able they were to interest their hearers in their own country, they found that in this country there were more important subjects under discussion, which sometimes even obliterated the memory of their own political grievances. The effect of their agitation was absolutely neutralised. Here men found their level more easily than in any other country, and nothing could be better for any Government in which there had been a revolution, in which one party had become predominant, than that the party which was for the moment overcome should be allowed to come to this country and become, as it were, lost in our society. Yet it was asked that we should watch over these persons, that we should establish a system of espionage to ascertain what opinions they were advocating, and what associations they formed. Such a practice was contrary to our habits, and was totally unnecessary. We have here something much more efficacious than any police: we have a press which searches out all that is passing of importance in every quarter of the country and amongst all classes of men; and if we only attend to what is announced in the press, we might be pretty well aware of what all classes of men were doing. Every memorandum contained in those papers before their Lordships, which was supposed to be information with regard to what was going on here, merely contained what had appeared twenty times over in the public journals: not a single event was in the memorandum which could be new to any person who read the newspapers. Many of these statements were copies of advertisements that had been paid for and inserted in more than one journal. By means of the press you had sometimes even announcements of where some noble Lords had dined. When the press even peered down into these matters, it was evident that no person who read the papers could long remain in ignorance of what was going on. Foreign Governments, therefore, showed their ignorance of the habits and customs of this country, in asking that we should establish a police system of espionage or surveillance, and try to prevent that free expression of opinion which, as he had already shown, was so advantageous to them. He believed that our line of policy was correctly laid down in the despatch of his noble Friend (Earl Granville), and if the present Government adhered to the principles contained in that despatch, he believed they would be acting for the best interests of this country, and in accordance with those principles which this country ought to maintain. He would refer to one passage in that despatch, which pointed out the line of policy that he wished to see adhered to by the present Government, and then show the reasons why he believed—although he hoped his impression was not correct—that it was the intention of Her Majesty's Government not strictly to adhere to that policy. Before doing so, he wished, in order to narrow the subject, to state that his observations applied only to some of those Powers from whom had been received the despatches contained in these papers. In the first place, he altogether excepted Prussia from the remarks he was about to make. He wished to see the closest communication between that country and England, and he regretted to see that Prussia had joined in the note of the other Powers; but the speed with which that Power had withdrawn from joint action with the other Courts, and the conduct of that Government, satisfied him that there was not the slightest ground for any complaint in regard to the Government of Prussia. He also thought France might be excepted from the remarks he was about to make. Not only had France refused to be coupled with Austria and Russia, but an explanation had taken place on the subject between the most distinguished person who represented France at this Court and the Foreign Office, in which the nature of the memorandum and the purport of the note which accompanied it were professed to be such as to remove any suspicion of a wish on the part of that Power to interfere or dictate on the subject. He might also say that the last despatch from France left an impression on his mind that now there was very little to complain of in the present position of France in regard to the question. Excepting those two Powers altogether from the remarks he was about to make, he would now read to their Lordships the exact words of the despatch of his noble Friend (Earl Granville), which he thought, laid down accurately the line of conduct this country ought to adopt. His noble Friend said—

> "By the existing law of Great Britain all foreigners have the unrestricted right of entrance and residence in this country; and while they remain in it are, equally with British subjects, under the protection of the law; nor can they be punished except for an offence against the law, and under the sentence of the ordinary tribunals of justice, after a public trial, and on a conviction founded on evidence given in open court. No foreigners, as such, can be sent out of this country by the Executive Government, except persons removed by virtue of treaties with other States; confirmed by Act of Parliament, for the mutual surrender of criminal offenders. British subjects, however, or the subjects of any other State residing in this country, and therefore owing obedience to its laws, may, on conviction of being concerned in levying war against the Government of any State at amity with Great Britain, be punished by fine and imprisonment. Offenders in this respect are equally open to prosecution by individuals or by the Government."

These extracts contained the real state of the case, and pointed out the line to be taken. Of course, if any parties here were taking any active measures of hostility, and were guilty of any overt act against the Government of a foreign country, our Government was bound to interfere in the matter. But this was not what was demanded. In one of the despatches from Russia, it was stated that it was not a question of levying war that was complained of. The complaint was that parties conspired here. Of course parties conspired here. Not one but many conspiracies now existed throughout Europe, and had long existed, and their ramification extended to this country. Ever since 1830 there had existed in France a conspiracy against the existing order of things, and there were persons in this country connected with it. The French Legitimists here talked over their grievances, and the means by which they could restore an order of affairs better for them. The same sort of conspiracy existed with the object of overthrowing others of the existing Governments on the Continent. It existed in Italy in particular. Wherever there were Italians there existed a conspiracy to overthrow the Austrian power in Italy. Wherever there were Hungarians there existed a conspiracy against the new system of government which the Emperor of Austria had established. But he was confident that the least dangerous portion of these conspiracies was the portion of it which was conducted in this country; because here all their proceedings were known, whereas in foreign countries the proceedings were secret, and the Governments might be taken by surprise. He remembered of his own knowledge, that, in 1831, in Central Italy there was a conspiracy on a large scale brought to maturity throughout the Roman States, which was unknown to the Papal Government, and which, it was well known, was for a time successful. Such a conspiracy could not have taken place in this country without its proceedings being made public through the press. He should have hoped that this despatch would have been the conclusion of the correspondence on the subject of foreign refugees, and that the matter would have gone no further. An answer had been given, and any further attempt to induce the English Government to alter our laws and habits, was an interference with our internal affairs. Russia closed the correspondence by a note of great moderation. But he was surprised at the despatch from the Austrian Government, dated from Vienna, on the 4th February, which must have created some regret on the part of those friendly to the Austrian Government. This despatch actually stated that the Austrian Government was about to take severe measures against innocent English travellers who chanced to be travelling within its dominions. He could give no other interpretation to the despatch when he coupled the words of it with the measures that had taken place. Let no one imagine that he disputed the right of Austria to establish a severe system with regard to the internal police of her own territories, provided it were fairly and generously carried out. She had a perfect right to establish any general law with regard to travellers that she might think calculated to produce tranquillity in that country. Such general rules had not, however, been made; but on the contrary, individual cases had been singled out. Certain stray Englishmen had been persecuted. Austria vented her spite against this country, annoying private persons. It appeared, however, that very shortly after a sudden change came over the dream of the Austrian Ministry; for he found soon after two despatches of a very different character to those to which he had referred with so much pain, but at the same time equally extraordinary. The first was the despatch from Prince Schwarzenberg, dated from Vienna, March 15, 1852, expressing the great satisfaction with which the Austrian Government had received the news of the formation of the Earl of Derby's Cabinet; and, proceeding to analyse the speech of the noble Earl on his installation into office, built upon it a conviction that a change was about to take place in the policy of England; and that, being discontented with the despatch of the noble Earl, late the Foreign Secretary (Earl Granville), the Austrian Cabinet hoped they would soon see the line of policy there marked out abandoned by Her Majesty's present Government. He was aware that the noble Earl opposite (the Earl of Derby) laboured under the great disadvantage of not being always properly and clearly understood in the statements which he made in their Lordships' House; and he must bear witness also to the fact, that when the noble Earl undertook to explain his former speech, unfortunately his explanation very often made the speech still less intelligible than before; and this perhaps might have been the case with regard to what fell from the noble Earl on a former occasion in regard to political refugees. Certainly, the noble Earl's speech appeared to him (Lord Beaumont), when he heard of it, to contain all that was desirable on the subject; he could not at the moment differ from him as to a single point. The remarks in question appeared to him to satisfy the demands of justice and of hospitality; they appeared to set forth what had been before stated by the noble Earl (Earl Granville), that nothing but the law should be his guide, and that he would not strain the law at the request of any foreign Government. [The Earl of DERBY: Hear! hear!] If that were the intention of the Government, he could only say that he applauded it; if that were their policy, he could but approve of it. It seemed, however, that the Government of Austria put an entirely different interpretation on this exposition of the policy of Her Majesty's Administration, and they imagined that the noble Earl intended to abandon the policy of his predecessors, and pursue an entirely different one. On the whole, this despatch left an impression either that the Austrian Cabinet entirely misinterpreted the speech of the noble Earl, or that something had been held out to them by Her Majesty's Government which was not reconcileable with these papers. The reply of the noble Earl the Foreign Secretary, in answer to that of the Austrian Minister, was no less remarkable. It stated—

> "Her Majesty's Government have received with the liveliest pleasure the despatch to you from Prince Schwarzenberg of the 5th inst., which you have been authorised to communicate to me upon the part of the Cabinet of Vienna."

This, it would be remembered, was the despatch which announced the "genuine satisfaction" of the Imperial Cabinet at the change of Government in England. It went on :—

> "In proportion to the value which Her Majesty's Government place upon a maintenance of a cordial friendship with Austria, the oldest ally of England, cemented, not only by the tie of mutual interest, but by the recollection of past efforts in a common cause, was the regret with which Her Majesty's present Government, on succeeding to office, found that the result of the events of the last few years had been to substitute for those friendly relations a tone of mutual suspicion, if not of actual alienation, and to give to their diplomatic correspondence a character quite at variance with the dispositions which ought to subsist between them. The despatch which you have recently placed in my hands affords the greater satisfaction to Her Majesty's Government, because, without reference to the past, it lays the foundation of a renewed good understanding between the two countries."

Now, he did think that a reference to the past ought to have been insisted on, especially as there still remained at the Foreign Office that extremely offensive despatch of the 4th February to which he had referred, and which ought either to have been withdrawn, or, at any rate, explained, whatever might be the Government in power. At that time every foreign Government had either withdrawn or modified at least its first demand on the question. The Prussian Government had withdrawn their note altogether; France had made the most satisfactory explanations; and Russia had considerably modified the language which she had first held. Austria alone, when the noble Earl came into power, remained without having taken steps to remove that which was insulting and derogatory to this country, while it was totally unworthy of the Government of Austria. It was clear that the perusal of these papers left an impression either that some deviation from the former line of policy had been promised to Austria, or that the noble Earl's speech and despatches had been totally misunderstood by the Austrian Cabinet. There was another part of the subject to which he was now about to refer, and that was, the treatment which Austria had exhibited towards certain English subjects who happened to be in the Austrian dominions. If there had been no threat uttered on this subject, it would have been sufficient to have left these matters, without further investigation of them, to Her Majesty's Government, fully convinced they would have demanded and obtained full satisfaction; but since the famous despatch of Prince Schwarzenberg, he thought they were bound to ask what steps had been taken by the Government, and what had passed between them and the Austrian Government on the subject; because it was now evident that those acts had become a part of the general policy of Austria, and it was upon that account that he asked an explanation of the noble Earl opposite (the Earl of Malmesbury) with regard to what had passed between him and the Austrian Government in respect of the various cases of hardship inflicted on individuals in Austria. One of these cases he could not help alluding to in particular, because, if it had been correctly stated to him, it was really of a monstrous character. It was that of Mr. Wingate, a clergyman of the Scotch Church, a harmless, inoffensive gentleman, established at Pesth, since the year 1841, with the sanction of the Viceroy and the Government, as a clergyman to the English residents there, and as a missionary to the Jews. He had become resident there with the sanction of the Viceroy of Hungary, and at no period of his residence there had anything in the shape of an accusation been brought against him—a fact that was fully admitted by the Government authorities; he had a pastport from the Foreign Office, and a *permission de sejour* from the local authorities. During the Hungarian war, the Hungarians had tried to press him for a soldier, but he had positively refused to serve, and was ultimately allowed to retain his character of a civilian. On the 3rd of January, all forms of law were abolished in Hungary, and on the 5th of the same month, this gentleman, with another gentleman, were ordered, without any reason being assigned, to quit Pesth. According to the account which he (Lord Beaumont) had received, it was then in the depth of winter—the Danube was frozen over, the ground was covered with snow; some of the members of his family were under medical treatment, some of them were bedridden, and, though a medical certificate that their lives would be endangered by exposure to the cold was sent to the authorities, it had no weight whatever with him. Mr. Wingate was summoned to appear before the head of the police, and was ordered to depart immediately. The unfortunate persons then begged to be allowed to appeal to Vienna; and this permission was granted by the authorities at Pesth, who, he was bound to say, had behaved with a great deal of feeling, and did all they could to mitigate the sufferings of those whom they were ordered to expel. The appeal, when made, was, however, unsuccessful, and the answer returned from Vienna was an order for their immediate removal—the sooner the better. They then asked to be allowed to go by Vienna, but this also was refused. A member of their congregation then went to Vienna, but he too was unsuccessful, and a more imperative order was then issued, giving only two or three days to prepare for their departure. Almost the whole of this time was occupied in getting passports; there were, as he was informed, no less than six bureaus to pass through, and, last of all, they had to obtain the sanction of the military commandant. Great difficulties, too, were raised about a nurse going with them who happened to be a Hungarian woman, and all her brothers and cousins had to be produced to depose to her intention of leaving the country. In fact, the whole of this part of the transaction was well worth any of their Lordships' attention, as showing the great evil and inconvenience of the passport system. After going through these ceremonies, and after experiencing other difficulties, they were turned out of Pesth, and obliged to travel some hundreds of miles in the depth of winter, suffering seriously in health, and some of them still felt the ill effects of that journey. A similar cruelty was inflicted on Mr. Edwards in a part of Gallicia. He, also, without any cause of complaint being stated against him, was ordered to leave the Austrian dominions, along with his wife, who was then in such a state of suffering that she was taken ill on the road. He was willing to make great allowances for Austria. He did not doubt but that great severity was necessary to maintain peace and tranquillity in her dominions; and he was convinced that if her army were diminished, or the regulations of her police reduced, the existence of the present Government would be in considerable danger, especially in Hungary, where strong measures were absolutely necessary. Severity and strictness were essential to the maintenance of a Government which was loathed in Hungary, hated in Italy, disliked in Bohemia, detested in Croatia, and not much loved even in Vienna; but the treatment which had been inflicted on these unfortunate persons could do no sort of good whatever, and could answer no great political end; and, therefore, coupling it with the previous despatch, he looked upon it as an instance of a little revenge on the part of the Austrian Government for not having received the answer which it had expected. He, therefore, had thought it his duty to ask the noble Earl opposite (the Earl of Malmesbury) whether he was prepared to produce any papers explanatory of the steps which he had taken to obtain redress for these individuals; and he did entreat noble Lords opposite to declare whether it was their intention to abide by what had been the usual course of policy of all Governments of this country with regard to those unfortunate individuals who sought a refuge on our shores. If they did intend to abandon these unfortunate refugees, and no longer to extend towards them the hospitality which they had ever found in England, then they would be doing that which, in his opinion, was both derogatory to this country and dangerous to the peace of Europe. If, on the contrary, they intended to persist in giving the fullest shelter and hospitality to all who sought our shores—be they monarchs fleeing from a republic, or republicans from a monarchy—if they resolved to keep the shores of England open to all, without inquiring into their political opinions, but offering them all the advantages which our enlightened laws offered to our own subjects, if the noble Lords opposite were prepared to state this, he was certain that no one there would refuse to give every means, and afford all possible allowances, for conducting this correspondence with foreign Governments on amicable and moderate terms. He begged to move, in accordance with the notice that stood in his name on the paper, for the production of correspondence respecting the detention of the Rev. Mr. Wingate.

Motion—

"That there be laid before this House, Correspondence respecting the Detention of the Reverend Mr. Wingate."

The Earl of MALMESBURY: My Lords, I shall try to profit as much as I possibly can by the lecture of the noble Lord on the lucidity of the statement made on a former occasion by my noble Friend (the Earl of Derby). But I beg to remind the noble Lord that it does not quite follow that, when a statement has been made and not understood, the implication of unsatisfactoriness in such statement should rest exclusively upon Her Majesty's Ministers. My noble Friend began this subject in this House by putting a string of questions the other night; to which, however, he said, he did not think I ought to reply at the moment, and which, therefore, I did not then answer. I shall now, however, take the liberty of replying to them, and, in so doing, to invert the arrangement of the topics in my noble Friend's speech, and reply, in the first place, to the particular cases, before I proceed to make any remarks upon the general subject. The noble Lord began by asking about the arrest of a courier of Sir Stratford Canning. The history of that transaction is simply this:—Sir Stratford Canning had employed an English workman of some sort (I think an ironmonger) of the name of Scott, in doing some work for him, at the Embassy at Constantinople; and when this was finished, and nothing more remained to do, he gave the man an English passport for his return home; and either because he really wished for his services, or in order merely to expedite him on the way, Sir Stratford confided to this person an official bag containing despatches. The man was dressed not in the usual uniform of a courier, but as an artisan, and he did not travel in the carriage which couriers ordinarily use, and there was nothing to indicate him as such to the Austrian authorities. He was arrested by the Austrian police on suspicion of being identical with a man who had robbed somebody at Manchester of 1,600*l.* in bank notes, and whose description had been forwarded to Vienna. The mistake in the identity was certainly most unfortunate; the man was unacquainted with German, and was detained throughout a whole night; but as soon as the matter was explained by a person who understood the English language, he was at once liberated. This happened not in our time, but in that of my noble Friend opposite (Earl Granville) in the Foreign Office. My noble Friend remonstrated most properly, as I should have done if I had been in his place with the Austrian Government; and the Austrian Government made an apology for the error into which they had been led, explained the circumstances under which it had occurred, and sent an order for the punishment of the policeman, who had not sent, when he took the workman into custody, for somebody who knew English to investigate the circumstances. My Lords, I regret as much as my noble Friend, or any man living, that any such misfortune should befall an Englishman travelling through a foreign country, with the language of which he may be unacquainted; but accidents of this nature are not confined to foreign countries; neither, my Lords, is this particular occurrence imputable, in any sense, to a feeling of revenge—supposing such had ever existed in the mind of the Austrian Government—for it happened, two months before the despatch adverted to in such strong terms by my noble Friend was written; and, in the second place, it was perfectly accidental, for I can bring the authority of Mr. Grey, now an *attaché* of the Embassy at Vienna, to show that instructions had been given to the Austrian police for the detention of a man of the name of Adler, who had committed the robbery at Manchester. I have said, my Lords, that such a mistake is not confined to foreign countries, and will go further and say, not only that it might, but I will tell you what did, happen in this country, and to a domestic in my own establishment no later than last year. The individual to whom I allude is one who, although not personally or directly known, may nevertheless, be agreeably and indirectly known to some of your Lordships. Having sent my servants home from the Highlands of Scotland, my French cook, in the free town of Glasgow, though one of the most quiet, inoffensive creatures I ever knew in my life, was forcibly seized by two policemen, and found himself in the same position as the English workman, for he could speak no English; and the policeman and he of course could not understand one another. He was dragged through the streets of the town; he experienced the *desagremens* of being taken to the station-house, followed by a crowd of boys, who hissed and hooted him; he was detained two hours. The magistrate before whom he was taken very civilly let him go; stating that he was mistaken for a man who had committed a crime in Ireland; but all the satisfaction he got from the policeman was, "Sarve you right; you are such a queer-looking fellow." The result was that he lost his passage by the railway, and was put to considerable, and for him serious, inconvenience. If he had been a susceptible man, instead of a French *philosophe*, he would no doubt have applied to the French Minister in London to demand redress, and in all probability a long correspondence between M. Drouin de l'Huys and the Foreign Office would have been the consequence, a great deal of trouble would have been caused to both countries, and we don't know how the matter might have ended. But he did not do that; he took things as they were intended; he made no more stir in the matter; and so your Lordships were saved from this correspondence. I mention this, my Lords, not to justify the proceedings in the other instance, but simply to show that such an accident as happened in that case might also happen in this country, where there is no police law, and where freedom lives as much among the people as is possible. I now come to the case of Mr. Wingate, and I must say that I think that a very aggravated case. I believe him to have been a harmless, conscientious, religious man, who went to convert the Jews in Hungary, without any other object or intention; and I think the Austrian Government, therefore, who must have known this, too, cannot be too much blamed, after having suffered him and his colleagues to remain quietly in that country for so long a period, and who consequently led them to suppose that they should be permitted to live there as long they chose—I say, I think that Government is very much to be blamed for not having given those gentlemen and their families sufficient time to collect their goods, to settle their affairs, and to leave the country. But while I confess this with sorrow, I must at the same time say I think the statement from which my noble Friend opposite quoted his account of the details of the transaction is not one which so good and so religious a person as Mr. Wingate ought to have given. He ought to have been more exact in his details of what took place; and, lest your Lordships should be led away by the statement which has been made, and that you may know Her Majesty's Government and our Ambassador at Vienna have done all they could in reference to this case, I wish to read to you the account which has been drawn up in writing by Mr. Grey, *attaché* to Lord Westmorland, regarding the whole affair, and your Lordships will see that there is great variance between the statements. Your Lordships would suppose from what you have heard that the rev. gentleman had been hurried on through the Austrian dominions in the worst of weather, and that his family had not been allowed to rest on their journey. I think the noble Lord said that Mr. Wingate complained he was refused permission to go to Vienna. If he were, he certainly cared very little for the permission, for he went to Vienna without it. [The noble Lord then read the document by Mr. Grey, which stated that a gentleman had called at the Embassy to state that two missionaries were in trouble, and, though the unfavourable answer of the Austrian Government to representations which had been made respecting a third missionary, Mr. Edwards, did not give good reason to suppose that interference in their case would be successful, the advice was given that Messrs. Wingate and Smith should send in a statement of their case from Pesth. No such statement had been sent in, and very soon afterwards Mr. Grey saw Mr. Wingate, who said his object was to obtain permission to travel by easy stages, without unnecessary interference on the part of the police. Mr. Grey obtained that permission for him, and saw orders to that effect sent off to the police. He took the passport, properly *viséed*, to Mr. Wingate's residence, and was told it was "all right." It was, therefore, perfectly clear, that though the manner in which the Austrians had acted was deserving of reprobation, it was not of the character described; the case required no exaggeration to make it one of cruelty, but, unfortunately, exaggeration had been employed in stating it. I am sorry to say I have seen accounts of large meetings in Scotland, where a clergyman named M'Leod has used very much the same language as my noble Friend, and has stated that Lord Westmorland behaved with the greatest remissness and negligence. [Lord BEAUMONT: I never said anything of the kind.] No; not my noble Friend, but the gentleman in question; and I have seen it with sorrow, because no person, and especially not a clergyman, ought to make such a statement with respect to the conduct of Lord Westmorland, who stands deservedly high in the estimation of your Lordships and of the country, for the manner in which he discharges his duties, before he had all the facts well substantiated. But, my Lords, having disposed of these points, I will now refer to the observation of my noble Friend on the general question involved in the correspondence. My noble Friend has made some general remarks on the correspondence respecting foreign refugees, which I had lately the honour to lay on your Lordships' table, on which I wish to make a few observations; and if I precede them with a few words in reference to myself personally, I am sure I shall meet with that indulgence your Lordships have always shown me whenever I have ventured to address you. I cannot blame my noble Friend, nor any man, for entertaining apprehension—nay, I would say even suspicion—respecting the security of our foreign policy, when he sees it placed so recently in the hands of a man so little experienced as myself. I am well aware, my Lords, that such a circumstance might excite those feelings; and I assure you that when I was called by Her Gracious Majesty to the place I now hold, I knew well it was not to any merit of my own I owed the appointment, but that it was to the partiality of my old and valued Friend now at the head of the Government, and to the confidence placed by Her Majesty in his recommendations. I knew I should be wanting—totally wanting, my Lords—in experience in the mode of carrying on the political affairs of this great country. I never had held office—I never had asked for office—I was perfectly inexperienced in the routine of public business. I had but one recollection which inspired me with some degree of encouragement, and that was that I had received the education of an English gentleman, and that one of the first principles in that education had been, as I trust it ever will be—I know that in my case it was one of the first feelings inculcated on my mind—that the dignity of the Crown and the honour of the country are, to every other consideration on earth, paramount; and, if I required another encouragement, allow me to say, though my noble Friend is present, that I found it in recollecting that he (Earl Granville), my junior in years, and almost as inexperienced as myself in official life—certainly with as little experience in that office in which I succeeded him—had, during the short time he had remained there, inspired the utmost confidence in all those who met him in the discharge of public business, and had left behind him at the Foreign Office a reputation which, when it shall be my turn to retire, I shall greatly envy. But, my Lords, if personal malice or party spirit should endeavour to invent the worst calumny against me that could be framed, it would be to put forward the supposition that, on a question affecting the safety and security of foreign refugees in this country, I do not hold, absolutely and entirely, the opinions I find expressed in the despatch of my noble

Friend opposite. I can well conceive the pleasure and happiness of a refugee, hunted from his native land, on approaching the shores of England, and the joy with which he first catches sight of them; but they are not greater than the pleasure and happiness every Englishman feels in knowing that his country affords the refugee a home and safety. My Lords, you know what our laws are on this subject; they have been over and over again explained in both Houses of Parliament on recent occasions, and so long as I have the happiness to be one of Her Majesty's Government, and of managing the Foreign Affairs of the country, I declare to you that from no Power in Europe, or in any other part of the globe, shall I consent to receive a demand that would change those laws. I would not answer such a demand by any epigrammatic despatch; because I think the province of diplomacy is negotiation and conciliation; but I would tell those who made such a demand, in a firm but conciliatory manner, that it could not be complied with, and I would answer them as the first Barons answered, *Nolumus leges Angliæ mutari.* Having said this much, my Lords, with reference to my own feelings and sentiments, and being convinced that every Member of Her Majesty's Government believes it impossible to change the laws of England upon this subject, even if a Minister could be found willing to do so, and that, so long as the foreign refugees respect and obey the law, that law will protect them against all comers, I will add, in the sense and in the principle of the policy of this country, that the same law which inexorably protects will as inexorably punish them if they bring their conspiracies into a practical shape which clearly breaks it. With respect to the accusations on the part of the noble Lord opposite, I would ask, is there anything in the papers on your Lordships' table to give him a right to assert I will sacrifice foreign refugees in the manner he says? But the noble Lord has gone further than this, and has made a charge very grave in its nature against Her Majesty's Government; because he has more than insinuated that a secret understanding has been carried on between the Austrian Government and the Government of Her Majesty, which induced Prince Schwarzenberg to write the despatch of the 5th of March. My Lords, I positively deny such accusations or suspicions—they are totally and entirely without foundation; and not only has no such communication ever taken place, but I do not believe it even entered the imagination of any of Her Majesty's Government. Why, if the noble Lord had taken the trouble to look to the dates—and I wish he had before he made his speech—he would have seen it was physically impossible for me who entered office on the 28th February, to write such a despatch as would enable Prince Schwarzenberg to write his in reply on the 5th of March, containing observations on the speech of my noble Friend. As to the despatch in question, I do not expect my noble Friend opposite (Lord Beaumont) to agree with the first paragraph. It states—

> "The intelligence of the formation of the new Government under the auspices of the Earl of Derby has been received by the Imperial Cabinet with a feeling of genuine satisfaction."

Having referred to the statement made by my noble Friend, the despatch went on:—

> "As far as that statement refers to foreign affairs we are happy to be able to adhere without reserve to the principles and intentions which the Earl of Derby has explained with so much candour and lucidity."

When my noble Friend made that statement, not a Peer in the House rose to make the slightest objection to it. Several of your Lordships made long speeches on our financial policy, but to the foreign policy of the Government no one made any allusion. Why did not the noble Lord rise on that occasion? Was he quite satisfied with my noble Friend's statement? If so, he is just in the same way of thinking as Prince Schwarzenberg; there was only this difference between them, that the Prince expressed his satisfaction, but the noble Lord was so satisfied he said nothing. Well, if the Prince expressed himself satisfied, so did I. I said to him, "I'm glad you liked the speech;" the Prince gave me an opportunity of saying so. He said the intelligence of the formation of the new Government was received with "feelings of genuine satisfaction;" and I replied that Her Majesty's Government had received his despatch with "the liveliest pleasure." How I could have answered in any other way, I find it impossible to say. The noble Lord might have used more civil phrases, but I cannot see how he could have taken no notice of such expressions on the part of the Prince. Could I say it gave me no pleasure and no satisfaction that on a question of good feeling between Austria and Great Britain, we had received the expression of a hope that the relations of old allies should be renewed? And while on this point I may observe, that I have seen the proposition supported in another place, that Austria is not the oldest ally of England. I express no jealousy of the historical acquirements which the gentleman who put it forward possesses, but in point of fact Austria is our oldest ally. The first treaty with Austria dates 1202, whereas our first treaty with Portugal was not made until 1386. In the despatch I wrote in reply, I went on to say—

> "It is with the most unfeigned pleasure, though with no surprise, that Her Majesty's Government receive the assurance that the Court of Vienna subscribes without reserve to the principles and intentions developed by the First Minister of the Crown."

That again is very true. The noble Lord did not quote out of these despatches certain phrases or sentiments he might have approved of—he only quoted "unfeigned pleasure," and "liveliest pleasure." Is there anything so strong in those expressions, my Lords, that I am to be supposed to have bound myself to betray the honour of my country, and to hand over those unfortunate refugees to the Austrian Government? Why, the whole notion is perfectly unfounded; it exists only in the imagination of the noble Lord, and I do not believe there is a Peer in this House, with the exception of my noble Friend, who sees in these phrases more than a civil answer to a civil despatch, and the expression of the pleasure of Government that a useful and ancient ally of England was again placed on a footing of amity. My Lords, I have now told you what are my feelings in reference to that liberty which every refugee in this country enjoys, and what are the feelings of Her Majesty's Government, and I should be only doing injustice to the great statement made by my noble Friend (the Earl of Derby) on a former occasion were I to expatiate on this subject any further, or were I to say more than this—that while I have the honour to be a Minister of the Crown, and to hold the office I now fill, I will attempt to carry out the policy which has secured to these men a refuge in this country, so long as they prove themselves worthy of it, and do not by their acts violate the law which protects them.

Earl GRANVILLE was understood to say, that the desire he felt to offer a few observations on the subject under discussion had been much increased by his anxiety to acknowledge the very friendly compliment he had received from the noble Earl, who, though opposed to him in politics, had alluded to him in such kind terms. As it appeared that the correspondence relating to foreign refugees was now drawing to an end, it was hardly necessary for him to go into it; but he was happy to find that there had been expressed a very general concurrence in the principles laid down by Her Majesty's late Government in the despatch which he (Earl Granville) had written in January last with respect to foreign refugees in this country. He was confirmed by the speeches of his noble Friend and of the noble Lord in the opinion he had expressed, that while we should concur in refusing to diminish in the slightest degree the hospitality now offered to political exiles of all climes and of all shades of political sentiment, and while we should refuse to depart from our municipal law and the practice of our courts, in respect of the definition of what constituted a political offence, and of the evidence to prove it, and to refuse to accept any foreign definitions, yet it should be the duty of the Executive Government to discourage all insurrectionary attempts against the Governments of other countries, and to prevent by all legal means all overt acts directed against countries with which we were in alliance. He very much regretted he ever had had occasion to write the despatch to Count Buol which had been referred to. The answer, though directed to him (Earl Granville), was received by his noble Friend opposite; and in reference to this subject he wished to remark there were two points on which some questions had been addressed to him out of their Lordships' House that he wished to make some observation upon. The noble Lord was then understood to say that he had been asked why he had allowed so long a time to elapse before he had returned any reply to the note of Count Buol of the 7th of January, stating that the Holy See, through the Austrian Minister, joined in the representations of other foreign Powers respecting foreign refugees in England. He had previously received a note from Count Buol stating that the Duke of Modena concurred in the same representations; and it appeared to him of so unusual a character that he caused inquiries to be made in the proper department of the Foreign Office to know if it was customary to receive an official communication from a foreign Court through a diplomatist not accredited by that Court to Her Majesty, and found that it was unprecedented. Believing that the Austrian Government was desirous of maintaining relations with us in a friendly spirit, he thought it well to avoid any fresh subject of discussion, and confined himself to telling Count Buol, when next they met, that he could not take any notice of his communication, for reasons he would understand. As to the fact that six weeks had elapsed between the time of his receiving the first despatch and his reply to it, all he (Earl Granville) could say was, that he would not have noticed it at all had he not received a subsequent communication from Count Buol with reference to the note addressed by the Holy See to the Austrian Minister at Rome. As to the moment which he had taken for sending that despatch, it had been asked why he had written it after the noble Lord then at the head of Her Majesty's Government (Lord John Russell) had announced that the noble Earl (the Earl of Derby) opposite had undertaken to form a Government, and after it was known that a new Ministry had accepted office? Whether this was a mere coincidence, or whether Count Buol, for whom he (Earl Granville) had the highest personal esteem, thought—very judiciously and very naturally thought—that it would be better to get rid of that point before he began business or to treat with his (Earl Granville's) successor, it still put him (Earl Granville) in a difficult position with regard to that despatch. The despatch was sent to him, and directed to him (Earl Granville), although at that moment the noble Earl (the Earl of Malmesbury) was *bonâ fide* the Secretary of State for Foreign Affairs. He thought he should have neglected his duty if he had sent the despatch back without making any remarks upon it; but after he had made his remarks upon it, he added that it should be resubmitted to the noble Earl for his consideration, and for the exercise of his discretion thereon. Had he not done so, he should not only have acted an unfriendly part towards the noble Earl, but also have placed both himself and the noble Earl in a false position; for if the noble Earl had remonstrated, he would have been met by the precedent which he (Earl Granville) had set six weeks before in the case of the Court of Rome. When he read the despatch, he certainly felt great regret that the last act of his official correspondence with the Austrian Government should be one not actually of a courteous character; yet as he certainly did consider that that communication was not an offer of a friendly Power, to obtain some practical result with respect to a country with which the English Government had no other means of communicating, but that it was an official communication, and one, as it were, that was making Austria the official mouthpiece of Central Italy; it was therefore one which could not be entertained, and he was satisfied he could not take any other part consistent with his duty than to return that despatch. He might, indeed, have returned it without writing any remarks upon it; at the same time, he owned that if he had not put upon record the reasons which he thought to be sufficient for the conduct he had adopted, he should not have discharged his duty. He had now stated all that he had to observe with respect to that despatch. With regard to the correspondence that had taken place between the Austrian Government and the noble Earl opposite (the Earl of Malmesbury), he might be allowed to say this, that, although he thought it was undesirable that foreign Governments should indicate a preference of one political party in this country over another political party; and although he should greatly deplore seeing any British Foreign Secretary bind up British foreign affairs with any political party in any foreign country, yet he was not disposed to censure the Austrian Government for what it had done in this instance; for he did not think it at all unnatural that that Government, feeling the inconvenience which had arisen from the unfriendly state of the relations between Austria and England, in consequence of the previous correspondence which had taken place between the two Governments, should have received with pleasure the intelligence that the party in England which, right or wrong, had for the last four years generally adopted the complaints of Austria against the actual Government of this country, had succeeded to power. No doubt, if the noble Earl had rejected these overtures on the part of Austria in a discourteous manner, he would have deprived himself of the power of bringing the many matters in discussion to a friendly issue. During his (Earl Granville's) short tenure of office, in the different communications which he had had with almost all the nations of the world, he could not but feel grateful for the singularly candid and open manner in which he had been received, and certainly not less than by others had he been so treated by the great nations of Europe, though differing from him *in toto* on the abstract principles of internal government. He certainly regretted that he was not able to put the relations of this country with Austria on the same footing of amity as that in which we stood with other Courts; but this had not in the slightest degree changed his opinion as to the necessity of a good understanding existing between two such countries as Great Britain and Austria, or as to the fact that the state of the relations which had recently existed between those countries was most undesirable. Without going into the question whether Austria was the oldest, or comparatively the oldest, ally of Great Britain, there could be no doubt it was most desirable that the two countries should be on friendly terms with each other. He believed indeed that there were States with which an alliance was of more paramount importance; but he thought there was no nation in Europe with which it was more desirable that England should be on the most courteous footing, particularly when it was considered that the two countries had acted together in the most perilous times. Therefore, so far from feeling jealous that the noble Earl should have accomplished, without effort, that which he (Earl Granville) had failed to do, he should be most sincerely glad to learn that, with perfect self-respect and dignity, and with due regard to the interests of this country, combined with a conciliatory demeanour, the noble Earl had been able to put an end to the annoying and vexatious questions which had in recent days existed between the two countries. With respect to the case of the engineer, he recollected and entirely coincided with what the noble Earl had stated as to the nature of that case; but he did not quite agree with the noble Earl in thinking that the explanation which had been given by Austria, in reference to that case, was entirely satisfactory. He could not see any analogy between the noble Earl's French cook and that of the engineer; yet, since Prince Schwarzenberg had expressed his regret at what had occurred, and had informed Her Majesty's Government that the Austrian officer would be punished, he was quite satisfied with that assurance. With respect to the case of the Rev. Mr. Wingate and his fellow-sufferers, although he (Earl Granville) wrote the despatch embodying the case of those gentlemen, yet as he was not aware of the answer which had been received from the Austrian Government, he could not add anything to that which the noble Earl had stated.

The Marquess of BREADALBANE thought that their Lordships had not sufficiently adverted to the fact that the Rev. Mr. Wingate and the Rev. Mr. Smith were not only endeavouring to spread the truths of the Gospel to the Jews at Pesth, but that they were also the Christian ministers to an English congregation at Pesth. A great number of British workmen were at present employed there in the construction of a railway, and those two missionaries were employed to perform the services of Christian worship to them. The Austrian Government, therefore, by having sent those men away in so summary a manner, had deprived many British subjects of the benefit of Christian worship. This was a very important fact, and he trusted Her Majesty's Government would not suffer themselves to be trifled with in conducting the negotiation for redress from the Austrian Government.

After a few words from Lord Beaumont and the Earl of Derby in explanation, the Motion was *withdrawn.*

PATENT LAW AMENDMENT (No. 2) BILL.

Lord COLCHESTER moved that the Bill should be committed *pro formâ*, and whatever amendments were to be proposed should be discussed at the third reading.

The Earl of MINTO was not aware that there was anything that required discussion which could not take place in Committee.

The Earl of DERBY observed, that there was only one question to be discussed, namely, whether it was expedient to extend the operation of the Act to Scotland. To allow the Bill to pass through Committee without proposing any amendment, and to take that subject for discussion on the third reading, would, he thought, be the most convenient course.

House in Committee.

Amendments made: Report to be received To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 5, 1852.

MINUTES.] PUBLIC BILLS.—1° Proclamation for Assembling Parliament.

2° Exchequer Bills (17,742,800*l.*); Law of Wills Amendment; Commons Inclosure Acts Extension; Linen, &c. Manufactures (Ireland); Differential Dues; Ecclesiastical Courts (Criminal Jurisdiction); Poor Relief Act Continuance.

3° Protection of Inventions Act, 1851 (Extension of Term); Common Law Fees Regulation.

THE MILITIA.

COLONEL ROMILLY said, he wished to put a question to the right hon. Gentleman the Secretary for the Home Department. The right hon. Gentleman had given notice on Friday night, that if the House should agree to the second reading of the Militia Bill, he would move in Committee the insertion of a clause providing that any person who should have served in the militia for two years should be entitled to be registered, and to vote for the county in which he resided. The question he had to ask of the right hon. Gentleman was, whether he contemplated the extension of a similar privilege to any other branch of Her Majesty's military service?

MR. WALPOLE: Sir, with reference to the notice I gave the other night I have to observe that I intended to take the earliest opportunity to-day, even although the hon. and gallant Colonel had not put his question, of stating that I thought that notice had been given too hastily. The proposition originated with myself, and I thought it would have been a good proposition for three purposes, namely, first, that it might induce respectable persons to volunteer for the militia; secondly, that it might ensure a continuous residence on the part of the volunteers, so that they might be ascertained from year to year; and, thirdly, that it might hold out a reward for public services rendered by them in volunteering to enter the militia. But since I gave that notice, I have had an opportunity of consulting more fully with all my Colleagues; and they think there are so many difficulties, and so many objections to the plan which I proposed, that, as I said before, I had intended to take the earliest opportunity of stating to the House, as I now state, that I do not intend to press that notice if the Militia Bill should go into Committee. Perhaps I may add, in answer to the particular question put by the hon. and gallant Member, that even if I thought it right to press that Motion, I should have contended—as I certainly do contend—that there is very little, if any, analogy between a force raised in the shape of a militia, consisting chiefly of civilians, and soldiers or sailors in the Army or Navy, who continue permanently under the control of their officers.

MINISTERIAL POLICY.

On Motion for going into Committee of Supply,

MR. BERNAL OSBORNE said, that before Mr. Speaker left the Chair he wished to draw the attention of the Government to the present anomalous state of affairs in that House. He could assure them, with the most unaffected sincerity, that in alluding to this most important subject, he was actuated by no idle motive, nor by any feeling of hostility towards Her Majesty's Government. But, really, the state of affairs in that House was so anomalous—so unheard of—that there was no Member who felt himself under responsibility to his constituents who would not be justified in directing the attention of the House to the subject, not only for the sake of those whom he represented, but out of regard for the interests of the community at large. He did not mean to enter into any minute or elaborate criticism of the surprising Ministerial statements which had been made in another place on the 15th, the 19th, and the 31st of March; nor had he any intention to undertake the very easy and obvious task of pointing out the various discrepancies in those declarations. But, setting aside the statements in question, as though they had never been made, he put it to the House to say whether—this being the last supply day before the commencement of the Easter recess—it was not incumbent on Her Majesty's Government to offer some more distinct and more detailed exposition of their future plans and policy than had heretofore been presented to the House or to the country? Whatever diversity of opinion might exist as to the explanations which had been already made in that House, and in another place, he was sure that men of all parties must be now of one accord in thinking that it was in the highest degree inconvenient, in the present state of political affairs in this country, that the First Minister of the Crown should be a Member of another place. They had had explanation after explanation, commentary after commentary; and nobody seemed as yet to be aware of the true signification of the explanation that had been made in that House on the 31st of last month. If he were now to be met by the objection that the present was not the proper time for calling on the Government to explain their policy in a clear straightforward manner, he knew not how he could better dispose of such an argument than by referring to a sentiment in one of the despatches—he ought rather to call them the Arcadian love-letters—which had recently passed between the Earl of Malmesbury, Her Majesty's Foreign Secretary, and the Austrian Ambassador. In one of those delectable compositions the Earl of Malmesbury said—

> "Her Majesty's Government rejoice to find in your communication a full confirmation of the confident hope entertained by Lord Derby that the surest mode of arriving at a good understanding with the nations of the civilised world, was a frank and honest exposition of principles, to be frankly and honestly acted upon; and it is with the most unfeigned pleasure, though with no surprise, that Her Majesty's Government received the assurance that the Court of Vienna subscribes without reserve to the principles and intentions developed by the First Minister of the Crown."

If it was incumbent on a Foreign Minister to write in that manner to a foreign Power, how much more incumbent was it on the right hon. Chancellor of the Exchequer to give a frank and honest exposition of his principles to the people of this country? Why try the long range at Vienna when there was so much practice ground in this country? The truth of this proposition was self-evident, and he felt, therefore, that he was doing nothing more than his duty in calling on Her Majesty's Government, as he now did, to make an exposition, clear, frank, explicit, and distinct, of the principles by which they intended that their policy should be governed. Explanation No. 4 in that House had been looked forward to with much interest, but it left things in pretty much the same state as they were on the 15th of March. The right hon. the Chancellor of the Exchequer gave the House to understand that the Government were sensible of the necessity for a dissolution, and that they did not intend to call upon the House to pass any other measures than such as might appear to be indispensable for the service of the Queen, and the good government of Her Majesty's realm. Now, surely it was due to that House and to the country that some Minister should rise in his place, and state, on behalf of the Government, the number and character of those measures for the enactment of which the present Parliament was to continue in existence. On Friday evening one distinguished statesman on the Treasury bench had shadowed forth the magnificent outline of a measure which he deemed essential to the good government of the realm, but which his Colleagues, regarding in a totally different light, he had been obliged to withdraw the very next day that the House met. How many similar things were to occur? and on the caprices of how many of the Ministers was the existence of the present Parliament to depend? Notwithstanding all the so-called explanations that had been made in that House and in another place, he did not hesitate to assert that to this hour the House and the country had been left completely in the dark as to what those measures were which the Government might deem to be indispensable to the good government of the nation. It was only the other day that a Committee on East Indian affairs had been appointed. There was no knowing how long their deliberations might be protracted; and was it to be understood that the present Parliament was to continue sitting until that Committee had reported? Then, again, there was a new Militia Bill. It would transcend all conjecture to imagine how many clauses might be introduced into the measure, or how many amendments might be proposed at each successive stage; and were they to be told that the present Parliament was to be prolonged until both these questions had been satisfactorily disposed of? He entreated the Government, as they valued their own reputation and the welfare of the community, to state at once what it was they meant by measures indispensable to the good government of the realm. Nothing could be more unfortunate or more distressing than the condition of perplexity into which all the great interests of the country had been thrown by these miserable evasions of the Government. Trade and commerce were alarmingly impeded—the tenant farmers were in a state of the most pitiable trepidation—and the shopkeepers and tradesmen were so bewildered that they knew not what to think; and yet it was at such a moment as this that Her Majesty's Ministers played fast and loose with the country, and when they were asked to explain what they meant by "indispensable measures," only taxed their ingenuity to think how they might most skilfully evade the question. A noble Lord in that House (the Earl of March) had told them of a new sect that had sprung up in this country called the Derbyites, and according to that noble Lord's definition, a Protectionist was a Derbyite, and a Derbyite was a man who believed in the Earl of Derby. Such statements as these were in the style and spirit of the "definitions" and "explanations" which usually came from the Treasury bench. They were not more definite nor more satisfactory. These definitions might do very well for the supporters of the noble Earl in that House; but what would the people out of doors say? The policy which the First Minister of the Crown seemed resolved to adopt, in his treatment of his adherents, was that indicated by the great dramatist:—

> "I as I may (that which I would I cannot)
> With best advantage will deceive the time,
> And aid the in this doubtful shock of arms,
> But on thy side I may not be too forward."

Such policy as this had been characterised as the "very soul of chivalry," but he (Mr. B. Osborne) could not so regard it. In his estimation it savoured of the sly practices of the cockpit, rather than of the bold defiance of the "tilt yard," and partook more largely of the trickery of Newmarket Heath, than of the chivalry of Cressy or of Flodden Field. He denied that it lay in the mouth of the Government to say that they had encountered a factious opposition. The very reverse was the fact. 14,000,000*l.* of public money had been voted *sub silentio.* The hon. Member for Lambeth (Mr. W. Williams) had not offered a single objection, and the hon. Member for Montrose (Mr. Hume) rose in his place only to intreat that the Government would be pleased to accept the money with all possible celerity; and yet the right hon. Gentleman the Chancellor of the Exchequer could find it in his conscience to cry "Faction," and to accuse the Opposition of frivolous and vexatious resistance to the proceedings of the Government. He (Mr. B. Osborne) flung back the charge, and took leave to remind the right hon. Gentleman that there might be such a thing as a factious Government. The present Government, as a Government, had climbed into office on false pretences—had pocketed the supplies on false pretences. [*Cries of* "Oh, oh!"] Yes, on false pretences; for what was it but false pretence to turn round and give such explanations of their policy as had been offered in that House on the 31st of March? Surely, it was not too much to say that the time had at last arrived when a candid and straightforward explanation of the policy of the Government should be offered to the country. What did the Ministers purpose to do on the subject of the Maynooth grant? The right hon. Gentleman the Chancellor of the Exchequer had stated the other evening that there was no intention on the part of Government to disturb that grant in the course of the present Session; but he declined to give any reply to the question of the hon. and learned Member for Athlone (Mr. Keogh) as to whether they would tamper with the grant in the course of the ensuing Session. The noble Lord the First Minister of the Crown had been pressed to state his views on the subject in another place; but he managed to elude the pursuit, and gave an answer the exact meaning of which no one could undertake to interpret. The fact was that they left the question in a state of uncertainty, which they hoped might be turned to some advantage on the hustings at the next elections. The Tapers and the Tadpoles wanted a cry, and it was thought that "No Popery" was as good a cry as any to go to the country with. The hon. Under Secretary for the Treasury (Mr. F. Mackenzie) had harangued the electors of Liverpool, whom he was ambitious of the honour of representing, and he told them that he regretted having voted for the Maynooth grant, and that he would not vote for giving any more money to that institution. But surely the hon. Gentleman did not suppose that he would succeed in deceiving the people of Liverpool. Surely he did not imagine that he would find favour with that class of the electors on whom he depended for support by endeavouring to mystify them on this subject by telling them that he would vote for the present grant, because it was an endowment, but would not support any further advances of public money for the same purpose. The Government would find that they were ruining their own cause by not pursuing a candid and manly course on questions of such national importance. Already many of their supporters had committed themselves irretrievably on this question, and they ought to be treated with more confidence by the Government. Why should the respectable Queen's Counsel who was now soliciting the suffrages of the people of Bath, and who might one day live to be Attorney General—why should that estimable Gentleman be left in darkness as to the true intentions of the Government upon this question, and why should he be left to plunge head over heels into promises and engagements, with respect to it, which hereafter it might be most inconvenient to adhere to. And then, with regard to the Irish distillers and millers, what treatment were they to receive at the hands of the Government? This was once a favourite question with the noble Lord the Chief Secretary for Ireland. He was eloquent upon it in opposition, and enthusiastically so when addressing the electors of Coleraine; but now that he was seated upon the Treasury bench, his tongue was tied, and he found it impossible to utter one syllable on the subject. He was sorry to say, the noble Lord appeared to have lost the candour and ingenuousness which at one time so agreeably distinguished him, and to have acquired in their place something of the "chivalric" spirit of the noble Lord the First Minister of the Crown. He (Mr. B. Osborne) confessed he was at a loss to account for the conduct of the right hon. Gentleman the Chancellor of the Exchequer, it was so unlike what he had always advocated, and so inconsistent with all his antecedents. On the 20th of February, 1846, still ringing the changes on the Corn Laws, he exclaimed—"How anomalous is the state of affairs in this House, where we have a Protection Cabinet and a Free-trade Ministry." [3 *Hansard*, lxxxiii. 1321-22.] Nothing could be more opposite to the state of things in 1852 than that exclamation. Had they not now a Protectionist Cabinet and Free-trade supporters? Were there not hybrid animals wandering through the boroughs and counties called "Free-trade Protectionists?" They came to the counties on different principles, demanding Protection, unmitigated Protection, for they had not come to the modification principle as yet, but were agreed only in one thing, namely, that they were to support the Earl of Derby's Government. And this was what was called "the country party," celebrated for its chivalry and candour. Last year he remembered to have seen a paper bearing the signatures of several hon. Gentlemen from Ireland, who were now Members of the Government, but who then and there declared that nothing short of protection could bring back the people of Ireland—not to their former prosperity, for they never had any, but to such a state of things as would prevent them from being engulphed in the slough of despond; but now these hon. Gentlemen had completely changed their tone, and declared that what was required for the people of Ireland was not a reversal of the free-trade policy, but a revision of it. Such was the treatment awarded to the Irish—nor did the English fare better. The English farmer was by nature of the most confiding disposition; but even the English farmer, and his brother in affliction and credulity, the British shipowner, must have some suspicion that they were not fairly treated, when they read the address of that gallant squire, the last Widdrington of protection, the hon. Member for Scarborough (Mr. G. F. Young), who could talk by hours in favour of that ruined cause when not one shred of argument remained to it, and of whom it might, with perfect truth, be said that—

> "When his legs were shotten off
> He fought upon his stumps."

Such was the devotion, and such the fidelity, which distinguished the hon. Member. But the other day the hon. Gentleman did not hesitate to assure his constituents that he did not want to go back to any of his Utopian theories—that he wanted no restoration of the Navigation Laws, but only a modification. He put it seriously to the Members of Her Majesty's Government, whether they did not believe that it was of the highest importance that the character of that House should stand as high as possible for honour, chivalry, and truth; and, if so, on what plea of honour, chivalry, or truth, could they reconcile it to themselves, that a Government should acquire office by calling for protection, and retain it by advocating modification? For his own part, he did not hesitate to say that there was no Member of the Government for whom he had so high a respect as the right hon. Gentleman the Chancellor of the Duchy of Lancaster. That right hon. Gentleman was at all events outspoken and sincere. He told his constituents at Lincoln that he would not be gulled with modification, and that nothing should ever satisfy him but a total reversal of the ruinous free-trade policy. He (Mr. B. Osborne) respected the right hon. Gentleman, and congratulated the farmers on having at least one friend left. It was a melancholy fact, that the Protectionist cause had been betrayed. It might be said to have been a "book-horse." They had heard of many Derby favourites which the people had backed very spiritedly, especially the poor people in the country; but, when the day of the race arrived, they had seen people in high places "scratch their nomination," and leave the public in the lurch. Just so was it with protection. The right hon. Gentlemen on the Treasury benches made the poor people in the country clamour for what they had no notion of giving them, and when the day for the race arrived, they withdrew the favourite horse, and coolly substituted another. So was it with the cry of protection.

> "Who would not praise Patricio's high desert,
> His hand unstain'd, his uncorrupted heart!
> His comprehensive head, all interests weighed,
> All Europe saved, yet Britain not betrayed?
> He heeds them not, his pride is in piquet,
> Newmarket fame, and judgment at a bet!"

They had heard a great deal of comprehensive measures for England and for Ireland, but for his part he confessed he had a horror of that phrase. He never heard a Ministry talk about large and comprehensive measures that he didn't feel that the country was going to be sacrificed to a high-sounding word. But he forewarned the right hon. Gentleman the Chancellor of the Exchequer that his tenure of office would not be of long duration, if it only lasted as long as he could succeed in imposing on the British public by specious phrases and sonorous words. He would tell the right hon. Gentleman that the course he was pursuing was not one that the people of this country would consider worthy of the candid character and position of a British Minister. There was nothing in his policy, as far as that policy had as yet been developed, that could command respect, much less challenge admiration. Even the blank cartridge Reform Bill—the right to vote, wrapped up in a bullet, which was so rashly promised and ignominiously withdrawn, had not the merit of originality. It was copied from two suggestions, one of which originated with a Mr. F. Hill, and the other with no less a personage than Mr. Orator Hunt, who, in 1830, laid upon the table of the House of Commons a Motion in the precise words of the Motion so quickly proposed and so quickly withdrawn by the right hon. Gentleman the Secretary of State for the Home Department. He would not trespass further upon the attention of the House; but, in conclusion, would take leave to assure the right hon. Gentleman (the Chancellor of the Exchequer) that if he were not prepared to give some distinct and intelligible exposition of his future policy, there was but little prospect that either he or his colleagues would stand high in the opinion of the people of this country. It had not escaped the memory of the British public, how unsparingly the right hon. Gentleman had thrown out his taunts and sarcasms on a late distinguished Minister for his change of opinion, and that the right hon. Gentleman was indebted for his reputation, and, indeed, for his present position, to the unwearying assiduity of his attempts to ruin the reputation of that great and lamented statesman. If the right hon. Gentleman hoped to retain one shred of reputation—if he had the smallest particle of regard for his estimation with the nation whose political destinies he sought to control, he would now stand up in his place and declare what those measures were which he believed to be indispensable for the service of the Queen, and the security and good government of her realm.

LORD JOHN MANNERS said, that however strong might be the objection which the hon. Gentleman entertained to large and comprehensive schemes of legislation, it was at least certain that he had but little aversion to large and comprehensive criticisms on whatever was said in that House and in another place. He (Lord J. Manners) felt himself under no obligation to follow the hon. Gentleman into all the minute details of his long and elaborate speech. His reason for refraining from doing so was, that Her Majesty's Ministers had nothing new to say on the topics to which the hon. and gallant Gentleman had referred. The intentions of the Government had been repeatedly and distinctly declared by his right hon. Friend the Chancellor of the Exchequer, and he defied the hon. Member to point out the slightest discrepancy between the statements made in that House and those that had been made elsewhere. The Government were prepared to take their stand, not upon any particular expression, nor on any one specific statement, but upon all and every one of the declarations which had been made on their behalf in that House and in the House of Lords; and when the hon. Gentleman undertook to assert that the country would have no confidence in men who used such language as that which had fallen from his (Lord J. Manners') right hon. Friend the Chancellor of the Exchequer, and the noble Lord the First Minister of the Crown, all he would tell him in return was, that they (the Government) would not shrink from that issue, but courted it, and were prepared to abide by it to the last. It was not very easy to understand at what the hon. Gentleman was driving, but if his object meant anything, it seemed to mean this, that the policy to which he and his friends were so enthusiastically attached should be submitted to the decision of the present Parliament. The hon. Member wanted to have the opinion of that moribund House of Commons upon the great questions at issue between him and the Government. The hon. Gentleman boasted that he and his party had a majority in that House; and to that majority it was competent for the hon. Member to appeal if he chose, for even on that issue the Government would not flinch from the contest. If such was not the meaning of the hon. Member, what meant those nightly, those hourly, interruptions of the public business of the country? This was not the first time that a speech such as that of the hon. Member had been delivered in that House. They could not forget the long and elaborate essays on constitutional law and the first principles of government with which they had been edified from the lips of the noble Lord the Member for London. It was not to be expected that he should recapitulate these arguments, or enter into an examination of all the minute details of theory and calculation which emanated from the leaders of the heterogeneous Opposition. But let them bring their interruption to a head, and from the issue thus created the Government would not depart; but they must be pardoned if they refused to confide the vindication of their honour to such hands as those of the hon. Gentleman the Member for Middlesex. It was the country that would have to decide upon their policy, and by the decision of the country they would stand or fall. They would make that appeal as soon as the necessary business of the nation was transacted. They were as anxious as the hon. Gentleman could be to go to their constituents, and to solve the great questions at issue by the constitutional process of an appeal to the country; but they were not to be deterred by taunts, menaces, or denunciations, such as those of the hon. Member, from proceeding with the measures which a sense of public duty urged them to undertake. This they would say to the Opposition —"If it be your pleasure to appeal to the great majority which you believe you possess in this House, do so. Even from that issue we will not recede. But as long as you are not willing to pursue that course, we must ask you, in justice, not to the Government, but to the country, to permit us to conduct for the remainder of the Session, the necessary business of the country, for, be assured, we will have no reluctance to make the necessary appeal to the opinion and judgment of the people, as soon as the necessary business is transacted."

Mr. ROEBUCK said, that, although there was a great deal of good sense and plain straightforward honesty in the words used by the noble Lord who had just spoken, there could be no doubt in the minds of men accustomed to constitutional forms, that the proceedings of right hon. Gentlemen opposite, so far as they could be judged of, were not in consonance with constitutional government. He had no feeling of hostility towards right hon. Gentlemen opposite, and up to that time he had said nothing in opposition to them. But now he felt called upon to express his opinion as regarded their position before the world, and he would at the same time express his opinion with respect to those who opposed them. He would ask why it was that this question was not brought to an issue, and why were right hon. Gentlemen opposite permitted to continue a policy and conduct wholly unworthy of the Government of this country? Why did they not by a direct vote in that House now bring the matter to an issue? It appeared to him that the Government opposite had come into office under the appearance of maintaining one set of opinions, and that being in office they were endeavouring to shirk and shrink from those opinions. He would ask the House to take a very short review of the facts preceding the advent of the Government to office. He would take them as typified by the right hon. Gentleman the Chancellor of the Exchequer. He was the man who had made them—he had breathed into their body something like life. They had traded on his ability, and he was in office upon their support. Now the right hon. Gentleman acquired the whole of his renown, acquired the whole of his force with his party, by reiterated attacks made upon the late Sir Robert Peel. And on what ground? Why, the late Sir Robert Peel had long supported the views of the country party, but a time came of great difficulty and danger to the neighbouring nation of Ireland. Famine stared them in the face, and he, foreseeing the difficulty—putting by all considerations of personal interest and personal renown, and casting himself upon the candour and honesty of the people of

England—said to them, "The policy which I have supported I can no longer support. There is a difficulty which threatens this country in the maintenance of the labouring population which I cannot face, and I am prepared to give up that policy which I have so long maintained, and to support an opposite course." Now he could not conceive a position more trying than that of Sir Robert Peel under those circumstances. He had been brought into office, with great power, by the maintenance of certain opinions, and, foregoing all considerations of personal renown, he made that great personal sacrifice. And who was the man that fastened upon him with envenomed and most prepared irony? The right hon. Gentleman opposite. He hounded him night after night, backed by the cheers of those who were now at his back. The right hon. Gentleman fastened upon him with tenacity; he never let him have one moment's rest. That was the conduct of the right hon. Gentleman. Mark the circumstances. The whole of England, Ireland, and Scotland were endangered, and a great sacrifice was made by a great man. The right hon. Gentleman the Chancellor of the Exchequer could not then feel for the difficulty, and could not bear for a moment with the change of opinion manifested by Sir Robert Peel, and declared that if the right hon. Baronet had changed his opinion he was not the man to carry his new principles into effect. From night to night the right hon. Gentleman pursued the late statesman with that sarcasm of which he was so great a master. Well, the right hon. Gentleman stepped into power with hon. Gentlemen opposite upon the maintenance of the great protectionist doctrine. He had gone on most steadily in that course. He came into office never having retracted one statement of his former declarations—never being pressed by any difficulty. He had steadily opposed the late Administration, and had taken advantage of every difficulty to render any Government impossible. Now, if the right hon. Gentleman had done that, and steadily continued his policy, he should have understood him. He should have then said—"Here is a man who will not stand at trifles, it is true, in his opposition; but he had a great object in view—he wanted to overturn a policy. He thought England misgoverned, and it was his object and his duty to get rid of the Government, and therefore he took possession of everybody, and advantage of everything, for the purpose of creating a difficulty to the Government—not that he agreed in the opposition; not at all; but he used those who were in opposition." Well, the late Government dropped out of office, and the right hon. Gentleman dropped in. Well, now, where was the pressure upon the right hon. Gentleman? He had never forborne his opinions: he had never changed his principles. Up to the moment that he had obtained his appointment as Chancellor of the Exchequer he was the great protectionist chief. But he would appeal to hon. Gentlemen about him, and to hon. Gentlemen opposite, if there was ever so remarkable a change as that which took place in the language of the right hon. Gentleman? He came in as the great protectionist chief. He knew full well that protection was gone, but office might still be his. Let them tear aside the veil. The game the right hon. Gentleman was playing towards his country supporters was, that he really had at heart protectionist principles, and then he sought to get the confidence of other supporters who were no protectionists at all. A question was put to him on him on his conduct, and he said, "We intend to go to the country, and the country shall decide." Now, what should the country decide? He (Mr. Roebuck) told the right hon. Gentleman—and he was quite sure there was not a right-thinking man in that House who would not say he was right—he told him that he and his supporters had shrunk from the answer, what was it they were going to the country upon? Was it protection? Oh no! they replied, they did not say so. But what did they say? Oh, they said, so soon as we have got over the necessary proceedings of the government of the country, we shall go to the country to decide upon our policy. Our policy! He wanted to know what our policy meant? The noble Earl at the head of the Government said, "I do not mean to go upon the question of protection or free trade, I mean to go upon the question of my conservative policy." Now, was it on that ground that the right hon. Gentleman the Chancellor of the Exchequer took office? Was he so vague when he was in opposition? Not at all; he was plain enough then, and accused the late Government of ruining the great interests of the country by the policy they were pursuing. It was evident to every honest man's mind that the cry they came in upon was protection, and now the cry was, "our conservative policy." Now his objections to this proceeding were these: He had three great reasons for believing that the present hesitating, evasive, and, let him add, shuffling policy was mischievous. It was mischievous, first, because everybody believed out of doors that the Government was about to take the advantage of this uncertainty of protection or non-protection, and going where they could upon protectionist principles. The country believed that, inasmuch as the right hon. Gentleman had so long been a supporter of protectionist doctrines, they would go to the country in reality upon protection or free trade; and therefore the great mercantile interests in this country were once again put in jeopardy on that issue. The right hon. Gentleman ought at once to say he intended to go on that question, or that he did not. But he did neither the one thing ner the other; he avoided every inquiry, and would not tell them either when he would go to the country, or on what he would go to the country. Again, there was another evil. They might say what they liked, but this holding over the country a continuous struggle of electioneering was mischievous, not only to the material but to the moral interests of the country. Men's minds were kept in doubt, their passions were kept alive, and from hour to hour, in the whole country, from one end to another, these great disputes arose, and material interests were disregarded, and moral interests were endangered. But there was a greater and more mischievous evil still, and that was, the feeling that had arisen in the minds of men out of doors respecting the morality of that House. What, they said, is this public morality—is this the great body that leads the landed interest in this country, who, for mere place, evade all public declaration, who evade all statement of their opinions now that they are in power, and endeavour to shuffle from that which they maintained before? Is this the morality of public men? This was a spectacle he witnessed, not for the first time in his life he would allow; but he must say that right hon. Gentlemen opposite, evincing such a wonderful tenacity to office did create in his mind, and he believed in the minds of most people out of doors, a very low opinion of public morality. People said that for mere purposes of personal interest public interests were given up, and that for the maintenance of interest principle would be forgotten. He had heard the right hon. Gentleman opposite frequently in his diatribes against those who were pursuing this course; and the very bitterness of his sarcasms, and the vehemence of his declaration, rebounded against himself, now that he was in that position. The right hon. Gentleman did that which he knew to be wrong, and which he had branded with all the vehemence of his sarcasm when others committed it, and now, having got into office, and felt the temptation, he did it himself. On these grounds, the conduct of the right hon. Gentleman and his friends was greatly mischievous to the interests of this country. Certain expressions had fallen from his (Mr. Roebuck's) side of the House, from which he should feel inclined to say there was great sympathy with his own estimates of their proceedings. He (Mr. Roebuck) was not, and could not, pretend to be the leader of any opposition; but, were he the leader of the Opposition, he would bring that policy to the test directly. He agreed with the noble Lord opposite that there was mischief in thus constantly assailing the right hon. Gentleman with mere words. But he asked hon. Gentlemen on that (the Opposition) side of the House, of what they were afraid? Did they, or did they not, believe that they were in a majority in that House? If they were, let the right hon. and hon. Gentlemen on the other side of the House feel it. If not, let the country know its own danger. But, by the present course, hon. Gentlemen opposite had all the benefit of a majority and a minority. They had the benefit of a minority, because they did not dare to introduce anything, and they had the benefit of a majority because they (the Opposition) did not dare to propose anything against them. And so between the two all the interests of Great Britain and Ireland were forgotten in this miserable play of party. Sure he was that the country would justify neither one party nor the other. He appealed to the noble Lord (Lord J. Russell), if he was to represent the Opposition, to bring this matter to the test, to do it for his own character as well as for the interests of the country. Let them know if the right hon. Gentlemen opposite had a majority in that House, and if they had not, they would be forced instantly to go to the country. If they had, it would be their (the Opposition's) duty to continue simply as a minority in opposition, and Government, taking advantage of their position, could propound their great doctrines, and the country would know what to do. Therefore, he said, have no more of this shilly-shallying either on one side or the other, for he did not see any difference. Let the noble Lord bring this question to the test, and let him be sure that he would have both the House and the country for his support.

MR. ADDERLEY said, he wished to point out in a few words, as a Member of that House unconnected with the Government, the glaring and palpable fallacy contained in the attack of the hon. and learned Gentleman who had just sat down. He had in the same breath accused the Government of putting forth vague and unintelligible pretences, and of putting forth false pretences. The two charges were manifestly self-contradictory; and the hon. and learned Gentleman must stand upon either the one or the other charge, but he could not stand upon both. If the propositions of the Government were unintelligible to the learned Gentleman, their falsehood must be a gratuitous and uncharitable assumption on his part. If he knew them to be false, they were patent to his understanding. The one half of the hon. and learned Gentleman's attack was an answer to the other. But take the first charge —that the policy of the Government was vague and unintelligible. Well, if that was the hon. and learned Member's attack, and the attack of the hon. Member for Middlesex (Mr. B. Osborne)—if that was what they honestly meant, let them come to the test as soon as possible. It appeared to him (Mr. Adderley) that the Earl of Derby's declarations had been as plain and distinct as words could make them, namely, that if Parliament only allowed him to pass the measures which were urgent and necessary, he would then take the sense of the country. Now, if hon. Gentlemen on the Opposition benches were honest in their complaint against this course of policy, let them wait till the first measure was brought forward which they did not think necessary, and then let them oppose that measure. That would be a fair and straightforward proceeding, and it was within their power at any time, as they professed to command the majority. But no; instead of that, they came forward to obstruct the necessary measures, and to waste time by useless and pointless speeches, which prevented the Government from coming to the very test which the Opposition appeared to be so anxious for. But with regard to the second and wholly different part of the attack of the hon. and learned Gentleman, how was it attempted to be proved that the policy of the Government was false? It was alleged that as soon as they became a Protectionist Ministry they made up their minds to abandon Protection; and the hon. and learned Gentleman sought to prove that the Government were in a false position, by referring to the attacks which the right hon. Gentleman the Chancellor of the Exchequer used to make upon the late Sir Robert Peel when he abandoned protection. But surely it was one thing to abandon former principles and adopt opposite principles, and a very different thing to acknowledge that you were not able to carry out your own principles. It was one thing for a great and prominent Minister, whose judgment could not be impugned, and who would hardly accept the excuse that he had made an error in his policy, in a moment, and without consulting his party, not only to reverse his policy, but to take up the very arguments which with all his power and position he used to controvert, and to exult in his new views, as if he had an equal right to lead on either side. It was another thing to suppress opinions which, though still entertained, were no longer tenable. He (Mr. Adderley) did not question Sir Robert Peel's right to alter his opinions; but to contend that those who had condemned his course were now adopting it themselves, was wholly gratuitous and unfounded. It was one thing to acknowledge that your views were wrong, and another to say the national feeling was so strong against them that you would not attempt to carry them. He was in no man's confidence; but, for his own part, the sense of this necessity of abandoning protective duties on articles of food he had expressed publicly many months ago. He had studiously disclaimed any connexion with the Government when he rose, because he was not in their confidence, and he did not know what their feelings were; but he knew what his own feelings were. When a free country like this had shown itself favourable to a particular policy, it was not for one class of legislators, nor for the whole Legislature combined, to pit itself against the national feeling. That was a point which the country at the next election should determine. And when the hon. and learned Member for Sheffield asked what it was that the country must determine, it was simply this, whether the maintenance of a Protectionist policy was any longer possible? If the country should declare that it was no longer possible, then the Government would come forward as the great Conservative party of this country. It was a gross exaggeration to suppose that free trade was a fundamental question, below which nothing else could lie; and, at all events, it could not be said that "Conservatism" was "unintelligible in that House. If protection must be given up, the Conservative party would not have changed its opinions; it would only have been defeated on one question, and would be ready to maintain its principles on others.

Mr. C. VILLIERS said, he did not rise to occupy the time of the House, nor to attack the hon. Gentleman opposite, but rather to set himself right, in consequence of something that had fallen from the noble Lord the Member for Colchester (Lord J. Manners), as well as the hon. and learned Member for Sheffield (Mr. Roebuck). There had been some allusions made to a Motion that was to have brought the protective policy to a test in that House, and some taunts had been thrown out from the other side of the House, inquiring why the question had not been brought to an issue. He gave a notice to that effect in that House, as soon as it was possible for him to do so, on the occasion of the present Ministers taking office. He did so from the conviction he had that those hon. Gentlemen, having for five years been labouring assiduously for one purpose, and one purpose only, that upon taking office they would attempt to reverse the policy of free trade. He gave that notice to exhibit to the country that the majority of that House was unchanged on that question, and that they had been only fortified in their opinion by the experience they had acquired of the results of that policy. But at the time he was giving that notice there was an important speech being made elsewhere by the First Minister of the Crown; for that speech contained an unqualified admission by him, that, upon the subject of a Free-trade or the Protectionist policy, the Government was in an unquestionable minority in the House of Commons. The noble Earl said something further: he said he would in consequence take the opinion of the country without any delay on that question. These admissions made him (Mr. C. Villiers) assent to the policy of postponing that Motion, and he listened to what he considered a wise suggestion by Gentlemen on that side of the House, that the question to urge upon the Government to answer was, in what form and at what time they should submit their policy to the country? It was on that ground that he did propose a question to the right hon. Gentleman the Chancellor of the Exchequer, and he begged to remind the House of the right hon. Gentleman's reply; he begged to call the attention also of the noble Lord the Member for Colchester to it; for the noble Lord had risen to-night to vindicate, he supposed, the chivalry of the Government, which seems to have got much impugned lately. They had not before had the benefit of the noble Lord's oratory; but, he presumed, under an impulse of chivalry, or honour, or something of the kind, he had just told them that the Ministers were wholly unchanged, that their principles and views were the same, and that they wished and were ready to take issue upon the question of protection, either in this House or in the country. Now, he had not looked at the report of what fell from the right hon. the Chancellor of the Exchequer; but he had a clear recollection that when he asked the right hon. Gentleman if he had any intention to propose a duty on the importation of foreign grain, he distinctly replied to him that he had not any such intention. That reply of the right hon. Gentleman satisfied him that he was willing to abandon his former policy, and that he did not intend to do that which his Colleagues assured their constituents when they went to their elections they intended to do. He (Mr. C. Villiers) said before, and he repeated, that he had no party object in questioning them on the matter, but he had a deep interest in that question; and if hon. Gentlemen opposite would abandon their policy, he should be as satisfied with them as he had been with two other Governments that had preceded them. Lord Melbourne was originally opposed to free trade, and he (Mr. C. Villiers) had the satisfaction to see him abandon protection; and Sir Robert Peel supported protection, and he (Mr. C. Villiers) had the satisfaction to see him propose the free-trade policy; and he should be glad to hear the right hon. Chancellor of the Exchequer say as clearly and boldly as his predecessors that he had abandoned his old opinions on this subject. However, what he had stated was to justify himself in not having immediately brought the subject before the House.

But there had been a most extraordinary admission made just now, and that by a Gentleman who was well qualified to express the opinion. It had been admitted just now by a warm supporter of the Government that the national feeling was against Protection. So they had it now admitted that the House was unchanged, and that the national feeling was against protection and for free-trade. Then he wanted to know why they were to have a dissolution. The right hon. Gentleman the Chancellor of the Exchequer justified their taking office on the simple ground that there might be an opinion out of doors in their favour. They were all identified with the Protectionist policy, and when they came into office, at least their Chief said, Parliament was against them, but that he expected that public opinion was with them, though they had heard it stated to-night that the public feeling was against them. The noble Earl at the head of the Government proposed to submit the question to them, and to hear their reply in the autumn, and to decide thereby who should be the future Ministers of the country. ["No, no!"] He (Mr. C. Villiers) certainly heard with his own ears the noble Earl say, that the autumnal Session would be to decide the controverted question of free trade, and then what men should be entrusted with the administration of the Government. Now, if their own Friend the Member for North Staffordshire (Mr. Adderley) was right, and that the national opinion was against meddling with the free-trade policy, he hardly could understand their justification, in possessing themselves of the Government as they had done. They were only known as Protectionists—they knew they had the House of Commons against them on that question, and it was now said that public feeling was against them—yet they were going to disturb the country with a dissolution, and to resign their offices, when opinion in favour of free trade was expressed in the New Parliament. The noble Lord the Member for Colchester said to-night that their own opinions were unchanged. What a wanton disturbance of the country, then, is their taking office, and causing the turmoil of a general election for no public purpose! Why did they not consult their Friend the hon. Member for North Staffordshire if they had a doubt about the state of feeling on the subjects which doubtless he has stated most correctly; and why had they not patriotism enough to leave the country quiet? He saw the noble Lord the Member for Tyrone (Lord C. Hamilton) laughing at the idea of an election interrupting the business of the country. He could assure the noble Lord that there was a very general feeling in the country that this attempt to get power against the will of the people, was a most wanton proceeding, to say the least of it. The business of this great country should not be lightly disturbed. They had nothing to justify the experiment they were going to make in meddling with the commercial policy; opinion as well as the results were entirely against them; but having the patronage of Government at command, and knowing the practices at elections, they were in hopes to obtain a majority in this House, by the means that are too familiar to the country. If they had an excuse for saying that the opinion of the country was not decided against those views which the noble Lord (Lord J. Manners) says are unchanged, their taking the Government and dissolving the Parliament might be justified; but as it was, he doubted if there was on record a more unprincipled proceeding. Surrendering their opinions, and appealing to the country as a new Government, is one thing; but retaining their opinions, and attempting to get a majority against the opinions of the country, could not be justified. But the other novelty to-night is, according to the hon. Member for North Staffordshire, to get rid of protection, by which they are only known, and then set up as real Conservatives, qualified to govern the country on that principle. He much doubted whether they would receive more favour at the hands of the country in the one character than in the other. There had been observed in them of late many things exceedingly unlike the old Conservative party. So far as he knew the old Tory party that used to prevail in that House, they had been wrong in all their political views—their political proceedings were wrong; but this was ever known to their honour, that they were bold—that they were straightforward—that they were chivalrous—that you could rely upon them. The proceedings of the party now in power, during the last six weeks, could scarcely be deemed as ranking them within any such category. Everything appears tortuous, crooked, and mystified; they could not get plain answers to plain questions; they could learn nothing they ought to know, from them, and when they talked of Gentlemen on this side interrupting the business of the country, it never had been made clear what that was. The inquiries on that side were to learn what that business was, and when they were going to do it? As matters now stood, there was no knowing from day to day what the Government would do, or would not do. They all went to bed on Saturday in the belief that a new Reform Bill had been announced the night before—an extension of the suffrage, on an entirely new principle. Not education, that was old-fashioned—not property, that was useless—but the very original one of two years' drill in the militia. Now, the great Conservative party came down and said they were not going to have anything of the sort: that had merely been a joke of the Earl of Derby's. The other night the great cause of Protection was abandoned: that evening it was again attempted to be set up. One night it appeared that the Militia Bill was the only business to be done: another night it was said the Chancery Bill must be disposed of; and again other measures were indistinctly referred to as indispensable, but not in a state to be yet disclosed. No doubt there was in the country a considerable number of gentlemen Conservatives, and honourably entitled to the designation; but did the Government, acting as they had been acting, imagine they would be accepted by those gentlemen as their representatives? It might be equally true that the country was not indisposed for the late change of Government: the people grew tired of old faces, and liked change from time to time; but the country would not tolerate a set of Ministers who refused to come forward like men, and state what they meant to do, any more than Members of that House would in silence permit themselves to be called factious for asking a legitimate and necessary question, or be charged with interrupting the business of the country, before they were enabled to know what that business of the country was. It might well be that the Government themselves did not know what they meant to do, but meantime the country was altogether dissatisfied with their chopping and changing about in this fashion. The House must hear from the right hon. Chancellor of the Exchequer another of those clear, frank, open, and lucid statements by which he had lately distinguished himself, so that no one might any longer remain in the dark on the subject: and he must say that they ought not to scold the Opposition for simply making inquiry on the subject; they sat there as the representatives of the people, and he could assure them that from one end of the country to the other, the greatest curiosity as to the intentions and proceedings of this Government existed, and it was expected that through the medium of this House some information would be procured.

MR. HENLEY said, the hon. Gentleman who had spoken last, and the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), had asked what the Government was going to do. He might answer them in Quaker fashion—what did hon. Gentleman want? Because some of those hon. Gentlemen wanted to press a dissolution, and the hon. Gentleman who had just sat down had asked, what need was there to go to the country; that the whole business of the country would be interrupted by a dissolution. That was rather odd language, in the fifth year of the present Parliament, in the mouth of the hon. Gentleman, who, if he mistook not, had the other night walked into the lobby in favour of triennial Parliaments. One portion of the Opposition found fault with them for dissolving, while, on the other hand, the hon. and learned Member for Sheffield quarrelled with them because they did not at once go to the country, and subject it to all the inconvenience and excitement of a general election. But the real fact was, that hon. Gentlemen opposite found that the country was very well satisfied with what the Government intended, and the country was under no mistake as to what they meant. They had been told that in another place, in language which they could not misunderstand, and which, he begged to say, they did not misunderstand—they had been told that that great question which hon. Members, for their own particular purposes, wanted to make the only question, but which the Government would take care would not be the only question—they were told that that great question would not be raised or mooted until another Parliament had met. But that did not suit hon. Gentlemen opposite—that was not convenient to the party who had sacrificed the last Government; for it was evident that but for their laches, idleness, or indifference, that mishap would not have been brought about. If they thought that the colonial interests of the country had been so particularly well managed, or that the foreign affairs and policy of the country had been so judiciously conducted, why had they suffered the late Government to be put in a minority, and made them feel that no alternative was left them but to resign? Who was to blame for that? Certainly not hon. Gentlemen on his (Mr. Henley's) side of the House. They stated that they were in a majority—why were they not down, then, to support the late Government? No, that did not suit their purpose, which appeared to be to drop the late Government, and set up another, and then, by all sorts of interruptions, prevent the business of the country from being carried on. Her Majesty's Ministers were endeavouring to go on with the necessary and indispensable business of the country. They were to-night about to propose a Vote for the Kafir war; and he asked hon. Members opposite was that necessary, or was it not? It was said that the present Government had exhibited a great tenacity of office, but they had not yet been more than six weeks in power, and they not had a single division against them. It was a very odd reproach, therefore, to cast upon them. The question had been asked—what were the principles of the Government? and it admitted of a very simple answer. Their principles were what they always had been—they had changed no principles, and their opinions remained the same as before. Whether a party could carry out the principles they professed, did not depend on themselves. As soon as the necessary measures were carried—and the Government cared not how soon that would be—a dissolution must take place; Parliament must meet again in the course of the present autumn; and when they met again, the question which the Opposition wanted to make the only one, but which they would not be permitted to make the only one, would then be submitted to Parliament. That had been announced the first night the Government had had an opportunity of doing so, and it had been repeated over and over again. That answer had been twisted and turned in all sorts of ways with the view of getting another and a different answer. He could tell them that they would get no other answer—for this reason, that the Government was of one mind, and the country was perfectly satisfied with the answer that had been given.

Mr. SIDNEY HERBERT said: In the speech that has just been delivered there was one expression which I feel myself called upon to notice. It was a repetition of a similar expression which was used by the noble Lord the Member for Colchester (Lord J. Manners), who says that the Government have been impeded in the progress of the necessary business by the interruptions from this (the Opposition) side of the House. The noble Lord said, "You have taken up the time of the House by reading to it lengthened disquisitions upon constitutional principles. Now, as regards the question of constitutional principle, it has been amply debated in this House. But this I will say to the noble Lord who thinks that Gentlemen were not justified in making these disquisitions, that at any rate they had this justification, that the Government yielded to the force of the arguments they brought forward. They yielded, and rightly yielded, to the force of a sound constitutional principle; and, if they will allow me to say so, it was politic for them so to yield, and not to allow themselves to have the appearance of being dragged as unwilling culprits before the bar of a general election. But the right hon. Gentleman who has just spoken, before he finished his speech settled the subject of the interruption of public business by an observation he made, namely, that there had not been one division taken against the Government. I doubt whether in the memory of any man in the House—I am sure, never in my own recollection — has so much necessary business been transacted with so little opposition—I do not say with so little cavil—I do not say with so little criticism—but even to the suppression of those observations which are always infallibly brought on by the discussion of the Estimates, especially at a moment when public interest has been so much excited as it has been upon questions of national defence. Well, then, I think this accusation falls to the ground utterly—that there has been any attempt to interrupt public business, or to interpose any unjust or unnecessary delays in the transaction of public business. But my hon. Friend the Member for North Staffordshire (Mr. Adderley) entered upon the subject of the course that we took in 1846 upon the question of free trade. Now, I am not going to revert to that period, or to the circumstances which preceded it. This only will I say, that to the latest day of my life I shall feel a pride in the course that I then took. It is true that we were exposed to much obloquy; it is true that we were exposed to much misrepresentation; and that we had to make a choice—a difficult one at any time, and a bitter option to make—a choice between party ties, and the feeling of personal honour as wrapped up in party ties, on the one hand, and the welfare of the country on the other; and if those principles for which we then sacrificed office, and have undergone since what I admit to have been a necessary political ostracism—I say, Sir, that if those principles are to be attacked, no effort shall be wanting on my part to do my utmost to maintain those principles, and to preserve unimpaired, unreversed, unrevised, and unmodified, the blessings which I believe to have been given by those measures to the great body of my fellow-countrymen. But now it is said that the present Government have made no explicit declaration as to their intentions upon the subject. Sir, I do not wish to hark back on this question. I could wish, that instead of deferring this question to be settled by the constituency at a general election, and allowing, therefore, for some months great doubt to hang over the question, the Government had frankly said, "That policy is impossible; we agree with the hon. Member for North Staffordshire (Mr. Adderley) that the national feeling is against it, and will at once say that we have no intention, under any circumstances, to attempt the reversal or modification of the present policy." I have no interest, I am sure, and a great number of hon. Gentlemen sitting on this side of the House could say the same, in doing what the right hon. Chancellor of the Exchequer called "pinning them to a *5s.* fixed duty." My object is to see the country well governed, and to see sound principles prevail. If there is a bridge to be built, and I could contribute an arch to it, to enable you to escape by a frank avowal of free-trade principles from the dilemma in which you are placed, I would cheerfully add that arch. There is joy over every sinner that repenteth; still more should I rejoice inasmuch as other great principles which I value are at stake, and are endangered by the course which you are now taking. You value Conservative principles highly —so do I; and I say it is impolitic, I say it is dangerous, to have those principles allied to a policy which I believe to be odious to the great body of the people. I say that, wishing to see sound progressive Conservatism prevail in the Government of this country, I do look upon it as a great misfortune that a large party, comprising many men of public as well as private virtues, should identify itself with a cause which is hateful to the people, because in their opinion it is founded upon injustice. Why, what after all was this Corn Law which you wish in some degree, however small, to see back, but a system of outdoor relief to landowners?—but with this difference, I admit, from a poor-law—that instead of being a rate fixed upon property for the sustentation of poverty, it was a tax levied upon poverty for the augmentation of wealth. Now, I am not accusing hon. Gentlemen opposite of concurring with me in this view of the subject; they would be the first to repudiate it if they saw it in the same aspect that I do. But I look upon it as most important that Gentlemen opposite, a great number of whom do not hold these opinions, should as soon as possible have an opportunity of entirely freeing themselves from the odium which attaches to them. Now, under these circumstances, I must say that I am satisfied with the arrangement that has been come to during my absence between the two sides of the House. I do not think it necessary in this moribund Parliament to rediscuss these questions, which are necessarily going to be settled by another, and therefore I have risen rather to say this, that having been prevented from taking any part in the debates within the last few days, I feel entirely satisfied with the course that has been taken, and the arrangement that has been concluded. I think that, now the Government having taken the course which it has on the subject of protection, the only way in which this question can be permanently or satisfactorily settled is by an appeal to the country, and I wish to see that appeal come to as soon as the public business will admit. I have, therefore, no wish to reopen these questions. I think that the assurance which has been given is satisfactory, and I am prepared myself to abide by it. I look forward to that election with the utmost confidence, a confidence which is gaining ground daily, as I see the working of public opinion. I am convinced that under no pretence, under no name, and by no artifice whatever, will the country be persuaded to give up that which they look upon as the charter of the comfort and well-being of the labouring classes.

Mr. MOORE said, that it appeared to him that the question which had so uselessly vexed the country during the last month might be summed up in one remarkably short sentence: The Protectionists are ready, it is said, to abandon protection, and the Free-traders will not let them.

The issue which the Ministers wished to have put to the country, was, whether the people of England wished to have the Whigs or themselves; and he did not think that they were very unreasonably sanguine as to the result. The Whigs, on the other hand, feeling a lurking and sensitive consciousness that perhaps that would not be a very safe issue on which to go to the country, insisted on making an appeal of their own, whether the people would rather have the Whigs or a return to protective duties, conscious that if there was a single alternative in the world to which the people would refer the Whigs, that was the one. He was himself never a free-trader, and he believed that the repeal of the Corn Laws had inflicted great injury upon the country to which he belonged; but he did not expect, and he believed that his countrymen did not expect, to return to protective duties. Protection, in his opinion, had been too long the humbug of that (the Ministerial) side of the House, and the bugbear of this (the Opposition), and he thought that it would greatly facilitate the transaction of public business if hon. Gentlemen on both sides of the House would mutually consent not to chase the phantom, or to start at the spectre. He believed that the people of England would never consent that the Whigs, as lately constituted, should return to power; that the whole Government of the country should be centered in one rapacious cabal, or that the great-grandmother of any noble Lord should be considered as the fountain of honour in this country. And as to the noble Lord the Member for the city of London (Lord J. Russell), the people of Ireland had unanimously, irrevocably, and irreversibly decreed that he at all events should never again sit on the Treasury bench as Prime Minister. [*Laughter.*] Hon. Gentlemen laughed; but they were laughing on the wrong side of the House. When Sir Robert Peel was turned out in 1846, Mr. Sheil said that he had been driven out of office because 7,000,000 of men had gone into opposition—because he had enlisted against him every man in Ireland belonging to every party—because he had enlisted against him the liberal press—and because the Catholic priesthood and the Catholic hierarchy had to a man gone into opposition; and that it was impossible, under such circumstances, he should not have succumbed. Hon. Members did not laugh then; but, on the contrary, these words were loudly cheered by the Whigs, because that was their war note in 1846 which was their death knell in 1852. The Irish Members were perfectly satisfied with the arrangement which had been come to on this matter, because they had no expectation of office, and would not miss quarter day. They had listened with perfect calmness to expressions of the right hon. Baronet the Secretary for the Colonies (Sir J. Packington) at his unopposed return for Droitwich, at which, considering his official position, they might have revolted; and also to the Cato-like determination of the noble Lord the Member for Colchester (Lord J. Manners); and they would listen to the arguments on both sides, and decide inflexibly, as the weight might lay on the one side or the other. They were satisfied to wait the issue and to abide by the appeal to the country, because they had no motive but good to the country which they served, and were quite confident as to what the result of the appeal would be; and if hon. Gentlemen behind him had no fear of an appeal to the people, let them manfully, and patiently because manfully, trust their cause to the decision of the people.

Sir JOHN TYRELL said, that he could quite understand that the position of hon. Gentlemen opposite was painfully embarrassed, because he felt that Her Majesty's Government had committed an offence already in that House, and in the country, which was not to be forgiven. They had shown that they had the power, the capacity, and the ability to bring forward measures of a well-considered character, that were likely to give satisfaction to the country; while hon. Gentlemen opposite were so divided in opinion when in opposition, that if they were to change to the opposite side of the House to-morrow, they would be split into infinitesimals, and would be perfectly unintelligible as to any consecutive course of conduct or measures that they were likely to pursue. It was his firm opinion that if Her Majesty's Governmnt had a fair opportunity they would bring forward measures of a better character, and more suited to the feelings of the country, than hon. Gentlemen opposite. The right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) had drawn a great draft upon the credulity of the House and the country with respect to the opinions upon protection to agriculture, upon which he plumed himself, and upon which he seemed ready to stake his existence. But if he (Sir J. Tyrell) was not greatly mistaken, that right hon. Gentleman had founded ten or fifteen Protection Societies in Wiltshire only three months before the new light made its appearance in his mind. Under these circumstances, he thought he was hardly entitled to read a lecture to those on that side of the House. He (Sir J. Tyrell) supported the present Ministry, because he believed that they were the only Government which the country was likely to have which would redress the grievances of agriculture. That was his definition of protection. The present was the third attempt which hon. Gentlemen opposite had made to misunderstand what had been said in that and in the other House of Parliament. But what was his (Sir J. Tyrell's) definition of these things? Why did he support Her Majesty's Government? Because he believed it was the only Government the country was likely to have that would redress the evils of the nation. As for the right hon. Chancellor of the Exchequer, he deserved a crown of glory, for showing them that they had a better cause, perhaps, on the ground of justice than they had on that of protection. But, surely, those being their opinions, they were not liable to be taunted because, being in a minority in that House, they declined to take a direct vote on the question of protection. Yet that was the battering ram which the Opposition were directing against the Government. He had on a former evening remarked upon the factious character of that opposition led by the noble Lord the head of the late Government, who did not appear very forward on that occasion, but left the matter to Gentlemen outside the ring, while those who expected to be future "right honourables," and to figure away as men of great power and capacity for business, had hitherto maintained great silence. He must say that the remarks of the Opposition were not very flattering to the Government of the noble Lord, who, he thought, had deserved better at their hands than they seemed inclined to deal out to him. The hon. Member for Wolverhampton (Mr. C. Villiers) said free trade was in danger, and taunted the hon. Gentleman the Member for South Staffordshire (Mr. Adderley) for the position he had taken; but he (Sir J. Tyrell) considered it was very flattering to those on his own side of the House to see a Gentleman who had generally been a supporter of Sir Robert Peel take his seat where he had. They were told the other night that those on that side of the House were afraid of Parliamentary reform, and of an extension of the suffrage. They were no doubt afraid of a radical reform, from which they feared that the agricultural interest would again be severe sufferers, as they had been from the last. It was not a worthy course for the Opposition to waste the time of the House in debates of this kind. If their principles were so clearly true, and they had so much confidence in the success of the appeal to the country, they might at least allow the business of the House and the country to proceed in peace. He believed that if time was given to the Government, the right hon. Chancellor of the Exchequer would be prepared to bring forward a measure for the extension of the suffrage which would do honour to his talents. It would not at all surprise him if the right hon. Gentleman had a measure of that kind. That, no doubt, did not suit the book of the Opposition. On the ballot question he completely scarified them, and polished their bones. The right hon. Gentleman having brought forward Motions for the relief of the agriculturists, and having been defeated first by a majority of 100, then of 50, and at last by only 14, hon. Gentlemen then said, "Oh dear! we don't understand him;" and that was what they said now; but both they and the country could make a shrewd guess at what he intended to do. Perhaps it was not quite in order for him to say that hon. Gentlemen opposite pretended not to understand what was said in the other House; but they might recollect that when the right hon. Gentleman the Chancellor of the Exchequer made his first speech in that House, he said that a time would come when they would hear him; and his (Sir J. Tyrell's) opinion was, that if they waited a little, there would come a time when they would understand him too.

Mr. P. HOWARD said, the only measure proposed by the Government, which they could call their own was, that by which it was intended to give the franchise to any person who had served two years in the militia. It had always been usual, on a change of Government, that a sketch should be given by the Ministry coming into office of the policy it intended to pursue. When Sir Robert Peel acceded to office he wrote a letter to his constituents at Tamworth, in which he entered minutely into the policy he intended to pursue; and when Earl Grey came into power, he was equally distinct in the exposition of his policy. The present Government, however, had left both their home and colonial policy a complete riddle, while on ecclesiastical polity they had expressed no opinion, but by the indirect answers which they had given, they had opened up a most fertile ground for religious strife. No Ministry could ever follow the course adopted by the present Government without causing a political discord which it was fearful to contemplate.

MR. NEWDEGATE said, that the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) had stated his firm adherence to the principles he had adopted in 1846, and had dwelt on the sacrifice he then made in not only changing his opinions, but in forcing those opinions on the country. Now, every one must feel that when a man had made great sacrifices, it was natural he should entertain an attachment to the object for which he had made them; but such attachments often became exaggerated by the sense of the sacrifices made by those who entertained them; and the right hon. Gentleman now intimated that if a bridge could be constructed to reunite him to those from whom he had been separated by his change of opinions in 1846, he would gladly add an arch to such a bridge. He begged, however, to tell the right hon. Gentleman, that his subsequent observations did not tend to any such object, when he said that those who had supported the Corn Laws had supported them as a system of outdoor relief to the country gentlemen of England—an expression which he trusted he would see the propriety of retracting.

MR. SIDNEY HERBERT: What I said was, that the Corn Laws might be characterised as a system of outdoor relief to the country gentlemen; but I said also, I was persuaded that if Gentlemen opposite held the same opinion, they would not have supported those laws.

MR. NEWDEGATE was glad the right hon. Gentleman had acquitted the country gentlemen of England of being actuated by such base motives in their opposition to the policy of 1846—a policy against which, he (Mr. S. Herbert) had, previous to 1846, co-operated with the Protection Societies in his own county. He (Mr. Newdegate) as vice-chairman of the acting Committee of the National Association for Protection, had, owing to the illness of his hon. Friend near him (Mr. G. F. Young), had the honour of occupying the chair of that Committee, and he could assure the House that the Protection Societies throughout the United Kingdom had placed their confidence in the Earl of Derby, and, for this reason, that they, adhering to their opinions, believed also that the noble Earl was sincere in the opinions which he had ever entertained, expressed, and acted upon. The members of the Protection Societies believed that the Earl of Derby was the Minister most likely to bring about a happy understanding between those who entertained the same opinions with themselves, and those sections of the community which entertained opposite opinions. For that reason they had—so far as information had reached the central society—unanimously decided on supporting the Earl of Derby as a consistent statesman, and the Minister most able and likely to bring about a happy understanding between themselves and those with whom they differed. They had not abated one jot of their opinions as to the question of protection; and when the right hon. Gentleman the Member for South Wiltshire said that the Corn Laws were a mere system of outdoor relief to the landowners, he would ask him to allow him to interpose the opinion of an unprejudiced statesman on the adoption by this country of free trade. The speech of M. Thiers, in the late Assembly of France, had been adverted to in that House by the noble Lord the Member for London, who rightly characterised that speech as one of the ablest protection speeches that was ever delivered. M. Thiers ought to be unprejudiced, indeed favourable to the adoption of free-trade by England, since the French Minister of Agriculture had reported that 4,000,000 acres of waste land in France had been brought into cultivation since 1846. But what was the opinion of M. Thiers with respect to the maintenance of protection by France? Why, he defended it, and the Assembly by their vote confirmed his reasoning. What did M. Thiers say of the policy adopted by this country in 1846? He declared that Sir Robert Peel made a most unwise change in 1846—that it was made in deference to violent and ignorant agitation, not with the view to the real interests of the country, but to preserve the monarchy and the aristocracy of this country from the violence of a misguided population. And when the right hon. Member for South Wiltshire condemned the landowners of this country for receiving what he termed outdoor relief, what said M. Thiers of the landowners of France? Why, said M. Thiers, did the Assembly of France give them protection? Because, he said, what may be borne in England cannot be suffered in France, owing to the subdivision of property; in consequence of which, if the corn laws were there to be repealed, to use his own words "everybody would be ruined;" but that Sir Robert Peel, in repealing the Corn Laws in England, had thought the large landed proprietors might afford to make a sacrifice from their surplus, and consider it advisable to agree to the measure: nevertheless that he (M. Thiers) thought that sudden and violent change most unwise and inconsistent with national prosperity. He appealed to this as the unbiassed opinion of one of the leading statesmen of France. He (Mr. Newdegate) did not wish to trespass upon the attention of the House at any length; but as doubt had been thrown upon the conduct and motives of the Earl of Derby, and as he (Mr. Newdegate) had been the chairman of the acting Committee of the Protection Society, he thought he was bound not to remain silent. It was said that the Earl of Derby would lose the confidence of the House and of the country by not dissolving at once, and stating at the same time the precise object of his future commercial policy, and the exact changes he would make. The Earl of Derby would lose nothing by not adopting this course. The hon. Gentleman opposite, the Member for the West Riding (Mr. Cobden), wanted the noble Earl to fix a *5s.* duty, or some other precise amount of duty upon the importation of foreign corn, as a definite proposition, and also to fix the day for the dissolution of Parliament, because the success of the agitation which he intended to excite would depend upon two circumstances: one, that there should be a fixed and narrow point of attack, like a *5s.* duty; and the other, that there should be a certainty as to the time of the dissolution. If the hon. Gentleman could arrive at a certainty on those two points, he had told the Anti-Corn-Law Leaguers that he would excite a violent and dangerous agitation throughout the country, which would culminate at the precise period of the general election. He (Mr. Newdegate) hoped the Earl of Derby would not conform to any such conditions. If he had any regard for the peace and well-being of the country, he would refuse to listen to the terms dictated by the hon. Member for the West Riding, and decline either to narrow to a point the future policy of his Government, or to name precipitately the exact day for the dissolution of Parliament, because, if he acceded to such conditions, they would be turned to the worst possible purposes by the hon. Member.

Sir ROBERT H. INGLIS said, that his right hon. Friend the Member for South Wiltshire (Mr. S. Herbert)—in proof that no unnecessary impediment had been thrown in the way of public business—had reminded the House that the Government, who had now been six weeks in office, had in no single instance met with a hostile division; but he was sure the right hon. Gentleman would not deny that public business had, to a great extent, been impeded by other means—in one instance by speeches for eight hours, and in another for six hours, on questions which might have been disposed of in half an hour. And who were those who brought forward those questions? They were the very Gentlemen who were so eager that the Members of that House should be sent to their constituents with the view to a new verdict on the question of free trade. Now, he (Sir R. Inglis) begged to say, with regard to the intentions of Government on the subject of a dissolution, he required nothing more than the original statement, in another place, of the Prime Minister. His belief was, that so soon as the measures which, in his judgment, were essential to the public service and the defence of the country were passed, the noble Earl meant, as an honest man, to appeal to the country. Now, that being the case, he asked the House whether, if the course were persisted in, of occupying eight hours on one evening, and six hours on another, and three hours, as on that occasion, with unnecessary discussions, the Government could be expected to advise the Crown to dissolve Parliament at an early period? On looking at the Orders for that day he found no less than three and twenty notices; amongst them were a Bill on the Salmon Fisheries, and the Sheep Contagion Bill. It was not asserted that those were measures of urgency; but he had full confidence in the Government not prolonging the Session beyond the time necessary to pass certain *bonâ fide* and necessary measures.

Subject dropped.

THE IONIAN ISLANDS.

Mr. HUME said, the House would recollect that he had announced his intention of bringing the condition of the Ionian

Islands under the consideration of the House. Some time since he had moved for certain papers for the purpose of bringing on a discussion with respect to the state of those islands. It had been impossible, as he understood, for the Government to produce those papers when he moved for them, and consequently it would be very unfair to proceed to the discussion without having documents which he deemed to be important. He did not, therefore, intend, as he had already intimated to the right hon. Baronet the Secretary of State for the Colonies, to bring on the Motion which appeared on the paper for the following evening; but it was his intention to bring on that Motion after the Easter recess. With regard to the Vote for the Kafir war, which was to be submitted to them on going into Committee, he must remark it was usual in such cases that the amount required should be specified. Without such information they could not accurately estimate the amount which that colony would cost them. But of this they might be confident, that the expense incurred in the last year, and the amount that was about to be called for in the present year, had been caused by gross mismanagement at the Cape of Good Hope. He thought the late Government were responsible for that, because the noble Earl lately at the head of the Colonial Department did not pay attention to the suggestions that had been offered to him, and give to the people of that colony the power of carrying on the Government there. On the contrary, he had pursued a system that had led to the greatest possible injury in that colony. He (Mr. Hume) had last year and the year before vainly advised them to avoid the evils which he foresaw, and the expense that must necessarily be incurred, unless his advice was adopted. He did not know what further expenses were to be incurred; but seeing the mistakes and expense into which the late Government had been led, in consequence of the course adopted by them at the Cape, he was induced to express a hope that the present Government would take into consideration the state of the Ionian Islands, and not incur additional expense by persevering in the system of misgovernment that was carried on there. In the year 1850 he had called the attention of the House to the subject, and to the number of individuals who had been tried by court-martial, as appeared by papers that were laid on the table. He had also directed attention to the number of executions and military floggings, and all the consequences arising from misgovernment and oppression on the part of the Government there. The House, however, was satisfied by the statement of the noble Lord then at the head of the Government, that he took upon himself the responsibility, and would promise that all should be right. The division in the House on the occasion was thirteen to eighty-four, and they were called upon to give Sir Henry Ward a fair trial. The first Session of the House of Assembly had been dissolved after a very short time in consequence of their refusing to allow an inquiry into the proceedings at Cephalonia. Again, the Parliament was dissolved by proclamation, even without meeting, and thus the people of the Ionian Islands, with a Representative Government, and having avowedly the right to possess a voice in the management of their own affairs, were deprived by Sir Henry Ward of the opportunity of assembling to discuss those questions which affected them, thereby causing the greatest possible dissatisfaction amongst them. The people had a right to think that the elections should take place in a proper manner, and that there should be full opportunity for discussion of their affairs by men fairly and fearlessly elected; but it would be seen that the late elections had taken place at Zante and Cephalonia under the bayonets of the 30th and 41st Regiments. The greatest consternation was caused by the course which had been adopted to carry that election. They might talk of the mode which had been adopted by Louis Napoleon to carry the elections in France; but they were not half so bad as those which had been adopted in the Ionian Islands, where the Lord High Commissioner had sent down to the Regent a list of candidates to be elected. Directions were issued that every individual connected with the Government should, at the peril of losing his office, vote for certain candidates. He (Mr. Hume) would beg of the right hon. Baronet the Colonial Secretary to look to those matters, and by a timely interference prevent the renewal of such proceedings. The liberty of the press had been suppressed, and the editors of the newspapers had been banished to every rock around the island over which the Government possessed power. No person could express an opinion through fear of the vengeance of the Government, but he thought the time was come when those unfortunate islanders should receive something like justice. An end should be put to those tyrannical proceedings, and the inhabitants of the Ionian Islands should have some of the benefits of the constitution which, when they were transferred to this country, it was stipulated they should enjoy. The Parliament met on the 3rd of March; but such was the disgust of the Members at the proceedings which had taken place at the elections, that the Government were not able to assemble the quorum of twenty-two, which was necessary for the transaction of business. The Members refused to attend, and the Parliament having been previously prorogued for eighteen months out of two years, was again prorogued for six months. And why? Because some of the Members complained that other Members had been illegally elected, that Sir Henry Ward had taken upon himself to alter the election laws, and that the Assembly had never met to sanction those laws. Consequently the laws were illegal, and every one elected under them were illegally elected. That was the reason assigned by them for not attending to do their duty. Two years ago, the noble Lord lately at the head of the Government said he had no doubt that Sir Henry Ward would conduct the affairs of the islands in a manner that would create contentment and peace; but on considering their present state it would appear that the noble Lord's assurance had not been realised. It appeared that the Senate named by Sir Henry Ward had made an alteration affecting the representative system. In Cephalonia the electors by this illegal interference were reduced from 6,000 to 1,500. He had received two letters—one from a representative and another from an inhabitant of Cephalonia detailing such atrocities on the part of the authorities, that he was almost afraid to mention them, because he could not expect such conduct from any British officer. The Government at home must know that the Governor had prorogued the Parliament because he could not obtain a quorum; and he trusted the right hon. Baronet the Colonial Secretary would not be led away by any representations on the part of those who took upon themselves formerly to patronise the acts of Sir Henry Ward. They had not heard any complaints of this kind during the time of the previous Governor; but since Sir Henry Ward was appointed, everything had been changed. He trusted the right hon. Gentleman would take care that the documents moved for, and such other documents as were necessary, should be laid upon the table. It appeared that twenty-two men—part of whom were tried for their lives—had been brought before military courts martial, and these, strictly speaking, were not properly conducted. Twenty-three persons were confined in one of the fortresses in Cephalonia, and every rock around it was occupied. No man could regret more than he (Mr. Hume) did the conduct of Sir Henry Ward, who had, in that House, been the advocate of freedom, and the anxious supporter of the rights of the people, and he scarcely could believe that any such conduct as he had referred to could be sanctioned by him. He must say that it would be unwise policy to allow Sir Henry Ward to remain; and it was the duty of Government to withdraw an individual who had become so obnoxious to the people. He did not understand how the Government could refuse to comply with the wishes of the inhabitants by sending out a Commissioner to make inquiry on the spot and report the truth. They could not get the truth from the authorities—the press was suppressed—and every person who wished to state the facts was instantly transported. It would be discreditable to the right hon. Baronet and to the Government if they allowed such charges to pass without inquiry, and they should endeavour to ascertain why these military executions had taken place—why there was so much discontent amongst the people—and why the island should have been placed under embargo at one time for three months, with the whole British fleet from Malta surrounding it. He begged the right hon. Baronet would seek information from the officers of the 30th and 41st Regiments, who seemed to have been engaged in preventing the people from voting. It was not his intention to oppose the Vote which was about coming on, because the present Government was not responsible for the acts that rendered it necessary; but it should prove to them that such expenses must be incurred where discontent was allowed to exist. He had never known that discontent existed in any country, ending in military execution, except there were some grounds for it. They should ascertain the cause of that discontent, and remove it at once. He believed the inhabitants of the Ionian Islands were now as capable of being good citizens as they were some years ago. He (Mr. Hume) had been there forty years since. They were then very good citizens, and he did not think they were much altered at present. If they went to any part of the Levant or Asia Minor, they would find that the Ionians were sharp, clever men, and were much superior to any other class of Italians he had ever met.

SIR JOHN PAKINGTON said, that he thought he had some reason to complain of the course which the hon. Member for Montrose (Mr. Hume) had taken upon this subject. The hon. Gentleman moved, a short time ago, for the production of numerous papers relating to the affairs of the Ionian Islands. He (Sir J. Pakington) consented to the production of those papers, but, at the same time, he told the hon. Gentleman, that as it would be necessary to obtain a large portion of them from the Ionian Islands, a considerable time must of necessity elapse before they could be laid upon the table. The hon. Gentleman, however, told him on Thursday, that as the House was to be asked to-night to sanction a Vote for the Kafir war, he thought that would be an appropriate opportunity for discussing the affairs of the Ionian Islands. The hon. Gentleman had placed him in this difficulty—that he had made no Motion; and had it not been for his concluding observations, indicating his opinion that, from the conduct of Sir Henry Ward, it was the duty of the Government to recall him, he (Sir J. Pakington) would not have been able entirely to make out to what points he had to reply, or what was the object of the hon. Gentleman. But as the hon. Gentleman had touched upon this subject, he (Sir J. Pakington) considered that he would be shrinking from his duty if he did not tell the House what the views of the Government were. The House would recollect that the present Government had had no past political connexion, and no political sympathies, with Sir Henry Ward; and that the conduct of Sir Henry Ward in the Ionian Islands, whatever it might have been, had not been under the direction of the present Ministry. On the other hand, he had no hesitation in saying that no party distinctions or party feelings should for a moment deter the present Government from doing justice in a generous spirit to any absent servant of the Crown, who they believed had, under difficulties and embarrassments of no ordinary nature, exerted himself to support the authority of the Queen, and to put down rebellion against Her Majesty, as the Protectress of the Ionian Islands. He was not called upon to be the champion of Sir Henry Ward; he was not now disposed to weigh in a nice balance every word Sir Henry Ward might have uttered, or every act he might have done; he was not prepared to say that, under the extraordinary difficulties with which Sir Henry Ward had had to contend, he might not have here and there been led into indiscretions. He (Sir J. Pakington) gave no opinion one way or the other; but he had no hesitation in expressing his opinion that Sir Henry Ward had done his best to preserve the just authority of the Crown under circumstances of very great difficulty, and that he was therefore entitled to the generous and fair support of the Government. He believed the House would feel that he was not called upon to reply to the greater part of the observations of the hon. Gentleman (Mr. Hume), which referred to matters conducted under his predecessor in the Colonial Office, and which had received the sanction of the late Government. He might, however, remind the House that these charges against Sir Henry Ward had previously formed the subject of Parliamentary discussion. In 1850 the hon. Member for Montrose brought forward all the circumstances connected with the rebellion of 1849, and attacked Sir Henry Ward in much the same strain in which he had now indulged; but the result was, that he could only find thirteen hon. Gentlemen to vote in support of the Motion he then submitted to the House. Although, however, under these circumstances, he (Sir J. Pakington) did not feel it his duty to re-enter upon these subjects, one or two points had been adverted to by the hon. Gentleman which, in justice to Sir Henry Ward, and that there might be no misunderstanding in the House or in the country, he thought he was bound not to pass over altogether without comment. One of these points was the reference which had been made by the hon. Member for Montrose to the execution of twenty-one men in Cephalonia in 1849; but the hon. Gentleman had failed to remind the House that not only were those twenty-one men taken with arms in their hands, in rebellion against the Sovereign Protectress of the Ionian Islands, and therefore guilty of high treason, but that every one of them, he believed, had been, in addition, convicted of murder, rape, and the gravest possible crimes. He believed that if ever men were justly dealt with, these men were, who received capital punishment for the accumulated crimes they had confessed to their priests they were guilty of. These men had also been guilty of one of the most detestable outrages ever committed—the burning alive of Count Metaxa and his family. The hon. Gentleman next complained that the recent elections had been carried on under armed interference, and he particularly referred to the elections for Zante and Cephalonia. The hon. Gentleman seemed, however, to have forgotten that the elections there were unfavourable to the authority of the Government, so that, whatever the interference might have been, it had entirely failed. The hon. Member went on to complain of this interference with the civil rights of the Ionian people, and to lament that under what he termed the meddling and mischievous policy of the present Lord High Commissioner, they were not allowed to exercise self-government. He (Sir J. Pakington) would ask the hon. Gentleman's attention to some evidences of the fitness for self-government of the Ionian people in former years and at the present time. He would quote, not the opinions of Sir Henry Ward, or of any Englishman, but the opinions of some of the most distinguished among the Ionian people. From 1800 to 1807 the Ionian Islands had self-government; but they had not—he was going to say enjoyed, but he would rather say—suffered the miseries of that freedom for two years, before the state of things was such that it was thus described:—

> "Fortunately, ample official materials were extant to prove that before two years had elapsed of this golden age, all the Seven Islands had been guilty of treason and rebellion against its local Government. Horrors resembling those of the old Corcyræan factions described by Thucydides were of frequent occurrence. In Zante alone assassinations have been so numerous as one for each day in the year—a fair average for a population of less than 40,000. Alarmed and disgusted by this situation of their affairs, the Ionian Senate sent, in 1802, a deputation to the Emperor of Russia, to implore his immediate interference, as the only means of putting an end to such scenes of bloodshed and anarchy, the sole result of that power which he had left in their hands."

The negotiation was carried on with the Emperor of Russia, its conduct being intrusted to an Ionian gentleman named Neranzi, and for his guidance in the negotiation instructions were drawn up by the Senate, one of which was in these terms:—

> "Lastly, M. Neranzi was directed to impress on the mind of His Imperial Majesty that, 'in a word, the inhabitants of the Seven Islands, who have thus attempted to establish a republican constitution, are neither born free nor are they instructed in any arts of government, nor are they possessed of moderation, so as to live peaceably under any political system framed by their own countrymen.'"

He would now request the hon. Gentleman's attention to the statement of a witness of the highest possible authority, a gentleman of large fortune, and bearing a name beloved by all Greeks—Count Salamos, who spoke of the fitness of the Ionian people for self-government now. Count Salamos, who had been Regent of Zante under Lord Seaton, having felt it his duty to resign the presidency of the Ionian Senate, wrote thus to Sir Henry Ward on the 25th of April, 1851:—

> "My Lord—The present state of the Ionian Islands is, indeed, most lamentable. It was not the will of Heaven that the reforms effected in the constitution should be granted by such gradual steps as would have enabled the people to receive them in a proper spirit, and to make a wise use of them. Introduced too suddenly, and at a most inopportune time, the result was such as might have been anticipated. They awakened the most extravagant expectations, inflamed minds by nature too easily inflammable, offered to the British nation, by which they were conceded, instead of thanks, proofs of the most flagrant ingratitude, and plunged these islands into a state of the greatest confusion and disorder. Your Excellency's well-known abilities and paternal care were unable to provide a remedy for these evils; nor have the good intentions and the remonstrances of the executive power proved more successful. The present system takes from every man, however well-intentioned, the power of promoting in any way the good of his country, and consequently renders unavailing my labours as President of the Senate."

These statements, he thought, would show how far, in the opinion of their own countrymen, the Ionian people were fitted to possess those institutions of which the hon. Gentleman complained that they were deprived. He must express his surprise at what fell from the hon. Member for Montrose as to the conduct of Sir Henry Ward towards the editors and conductors of the public press, who, he said, had been imprisoned under the high police powers, and were now deprived of their liberty. He (Sir J. Pakington) would be doing the greatest injustice to Sir Henry Ward if he allowed these observations to go to the country without some explanation. He must remind the hon. Gentleman that the freedom of the press was one of the most ill-advised of those unhappy concessions which Lord Seaton made before he left the Ionian Islands, and which had been the real cause of all the distractions and difficulties which had taken place. Lord

Seaton passed a new law giving freedom to the press, and assured the Home Government that his precautions were amply sufficient—those precautions being, that any offences against propriety on the part of the press should be tried by juries. It so happened, that under the new system in the Ionian Islands offences against the criminal law of the country were not tried by jury, the only offences tried by jury being the offences of the press. The result was, that within three months after the law was passed, Lord Seaton himself, without any trial by jury, resorted to what was called "the high police power," and imprisoned two editors of newspapers for the scandalous manner in which their journals were conducted. What was the case under Sir Henry Ward? He (Sir J. Pakington) had no hesitation in saying that he shrank from reading to the House the gross, flagrant, disgusting libels, which disgraced the press of the Ionian Islands—libels, many of them directed against all that, in this country, men most revered, respected, and honoured; and he certainly thought that Sir Henry Ward would have been involved in gross culpability if he had allowed the conduct of the press with regard to these libels to have passed unvisited by any punishment which it might be fairly, legally, and justly in his power to inflict. He (Sir J. Pakington) must observe, however, that Sir Henry Ward did not at once resort to the high police powers. He first tried trial by jury, but he found it was vain to expect redress from an Ionian jury. In justice to Sir Henry Ward, he must also say that, entertaining as every Englishman must do, a sincere dislike to power in the nature of these high police powers, if it were possible to carry on the Government without their exercise, Sir Henry Ward, in the Session of the Ionian Assembly in 1850, offered to abandon the high police powers if the Assembly would only pass a fair and just law, which would enable the Government to deal with the libellers without resorting to those police powers. The Assembly refused to pass such a law, and an Ionian nobleman, who had recently sent home the strongest petitions against the conduct of Sir Henry Ward, was one of the very majority who would not allow him to abandon that high police power in exchange for a just and equitable law for the restraint of the press. One of the concessions which Sir Henry Ward had also announced his intention to make to the Parliament which ought now to have been sitting, was the abandonment of this high police power, on condition of receiving as an equivalent a fair law for restraining the press. The hon. Member for Montrose censured Sir Henry Ward for the manner in which he had dissolved the late Parliament. The fact was, that the Ionian Parliament was not dissolved in the summer of 1850; it was prorogued. In December of the same year the House of Assembly again met, and was again prorogued; but the cause of that prorogation was, that the Assembly was proceeding to pass a vote for annexing the Ionian Islands to Greece, and repudiating altogether the authority of the Queen of this country; and he left the House and the country to judge whether blame attached to Sir Henry Ward for having prorogued the Assembly under such circumstances. The hon. Member for Montrose had said that Sir Henry Ward and the Ionian Senate had, previously to the last dissolution, made alterations in the electoral law which required confirmation at the next meeting of the Assembly, and that, not having received such confirmation, the elections were illegal, and the present Assembly was unduly constituted. It was true that Sir Henry Ward and the Senate did, in the course of the last autumn, make certain alterations in the electoral law; but those alterations were made under the authority of a special power which existed in the Ionian Islands, under which the Lord High Commissioner and the Senate, during the recess of the Assembly, could pass laws upon subjects of necessity, such laws requiring to be sanctioned or disallowed at the next meeting of the Assembly. It was, however, he believed, undenied and undeniable, that though the acts must be either confirmed or reversed at the next meeting of the Assembly, all things done pending the approval or disapproval of the Assembly were valid by the constitution. The alterations in the electoral law were consequently valid, and he believed the hon. Member for Montrose had not the slightest pretence for saying that on this ground the present Assembly was not properly constituted. He now came to the transactions which had recently taken place in the Ionian Islands. He thought one of the main defects of the present constitution of those islands was, that upon the assembling of a new Parliament the High Commissioner in constituting his Senate took five (he believed) of the Members elected to the Assembly. The consequence had been, that on the first assembling of Parliament the best and most valuable members were taken away from it. Sir Henry Ward, on the first meeting of the Assembly, selected five members of that Assembly as senators. There were other members who, from disloyalty to the Queen, would not take the oaths, and from various causes a number of vacancies occurred. A difference arose upon the Address proposed to be voted to Her Majesty upon the opening of the Session; and, when he mentioned that the very gentleman who drew the draught of the loyal Address was one of the factious minority who would not afterwards allow the House of Assembly to carry it, declaring as the reason their objection to the supremacy of the British Crown, he thought the House would be able to form a good idea of the class of persons with whom Sir Henry Ward had to deal. The House being reduced in the manner just stated, it was in the power of a factious minority to prevent there being twenty-two members assembled; and accordingly on two, if not three, successive days, they prevented a quorum being made by refusing to attend, and thus prevented the voting the Address. Under these circumstances the Lord High Commissioner had to consider the course that he ought to take; and he determined, finding such factious proceedings resorted to, to prorogue the Assembly. The hon. Member (Mr. Hume) said that for this conduct it was the duty of Her Majesty's Government to recall Sir Henry Ward. He (Sir J. Pakington) had to state that such was not the opinion of Her Majesty's Government. Sir Henry Ward was no partisan of theirs: they were not called upon to defend his conduct in every particular; but it was their belief that, under circumstances of extraordinary difficulty, he had honestly and anxiously endeavoured to support the authority of the Crown, and at the same time had offered, almost, perhaps, too freely, to make every concession to popular feeling which he could possibly with prudence do. Under these circumstances, he (Sir J. Pakington) held that Sir Henry Ward was entitled to a fair and frank support from Her Majesty's Ministers. If the hon. Member for Montrose thought fit to persevere in his intended Motion after the recess, the Government would be prepared to meet it as they might think the justice of the case required. As at present advised, however, their opinion was, that Sir Henry Ward had endeavoured honestly to do his duty, and was therefore entitled to their support.

Mr. F. PEEL said, that the observations which fell from the hon. Member for Montrose had been so fully, and to his mind so satisfactorily, answered by the right hon. Gentleman opposite (Sir J. Pakington), that he (Mr. F. Peel) did not feel called upon, however much he might have wished it, to enter into any explanation of the general grounds on which the administration of Sir Henry Ward might be justified. He was very glad to collect from the speech of the right hon. Gentleman the Colonial Secretary, that whenever the hon. Member for Montrose might bring forward a Motion of which he had given notice, Her Majesty's Government would not support that Motion, which was for the appointment of a Committee to inquire into the causes of the insurrection which took place in Cephalonia in 1849, and into the present condition of the Ionian Islands. He (Mr. F. Peel) did not believe that an investigation of that kind would be attended with any advantage, while, undoubtedly, it would convey a very grave censure on the conduct of Sir Henry Ward; and having given much of his attention to this subject, it was his opinion that, although, perhaps Sir Henry Ward might not have earned, he had entitled himself to the gratitude of the Ionian people, and to the approbation of that House; for he (Mr. F. Peel) was persuaded it was to the energy and ability which characterised the administration of Sir Henry Ward, that peace and order were restored in 1849. But there were several reasons which made him desirous to take some part in this debate, and to offer to the House some information bearing upon what had fallen from the hon. Member (Mr. Hume), which happened to lie within his reach. The hon. Member had adverted principally to two topics, one of which had reference to the constitution of the Ionian Islands, and the liberties and independence of that people. The hon. Member also referred to the personal administration of Sir Henry Ward, and considered that in the insurrection at Cephalonia Sir Henry Ward was guilty of great excesses—that he employed a military force for the suppression of that rebellion where the civil power would have sufficed—that he proclaimed martial law, and continued it long after the ordinary tribunals should have resumed the exercise of their functions—and that he allowed courts-martial to sentence to death a number of individuals, and a considerable number of others to imprisonment. With regard to those transactions, he (Mr. F. Peel) thought a sufficient reply was made by the right hon. Gentleman the Colonial Secretary, that was, that at a time when that subject was still fresh in the recollection of that House, and when the attention of hon. Members had recently been paid to what had been passing in the Ionian Islands, the Motion of the hon. Member, on the first occasion on which he sought to bring it forward, was met, he would not say with the indifference of the House, but hon. Members were so convinced of the propriety of Sir Henry Ward's conduct, that they did not remain in sufficient numbers to constitute a House; and when the hon. Gentleman brought forward the same Motion a second time, and succeeded in raising a discussion upon it, and carrying it to a division, not more than twelve or thirteen Members were found to vote for the proposition of the hon. Member. That was the answer with regard to the case of Cephalonia. In reference to the imprisonments and executions which had taken place under sentence of court-martial, they had the authority of Sir Henry Ward for stating that not a single individual was executed or imprisoned, simply for having borne arms against Her Majesty's authority. Sir Henry Ward, on the contrary, had stated that all the individuals who had been punished by execution or imprisonment were so punished because they had taken part in the outrages and crimes which had marked the progress of the insurrection, and some of them in the atrocious murder of Count Metaxa and his four servants. With reference to the petition adverted to by the hon. Gentleman from twenty-three individuals in the Ionian Islands, under sentence of imprisonment for the part they took in the insurrection of Cephalonia, he (Mr. F. Peel) must say, after the statement he had made on the authority of Sir Henry Ward, with regard to the part which those parties who were punished had taken in the insurrection, and seeing that only two or three years had elapsed since those sentences of imprisonment were passed, it would not be a proper even if it were a constitutional course for that House to interfere to procure the liberation of those prisoners. But he wished to draw the attention of the House to a subject connected with this petition. The hon. Gentleman (Mr. Hume) had brought very grave charges against Sir Henry Ward in that House; but he had not confined his charges to the House of Commons. On the contrary, he had made statements out of doors, where there was no opportunity of giving immediate contradiction to his allegations. The hon. Gentleman would recollect a letter he had addressed to the *Daily News* at the latter end of last year, enclosing a letter which he had received from two prisoners in Cephalonia, and the contents of which the hon. Gentleman adopted by sending them to that journal, and requesting their publication. [Mr. HUME: I sent a copy of the letter.] In that letter was a charge to the effect that Sir Henry Ward, on the occasion of a visit last autumn to Cephalonia, had induced some of those prisoners to withdraw their signatures from the petition referred to by the hon. Gentleman, by offering bribes of money to their wives, and by holding out hopes of pardon to the prisoners themselves. That was a charge of a very serious character, and reflected very gravely on the conduct of Sir Henry Ward. But Sir Henry Ward had written to him (Mr. F. Peel) on the subject of that charge, and he should take leave to read a paper he had received from him in reference to it. In the first place, what was the authority on which that charge was made? It was made on the authority of two persons, of the respective names of Steculli and Lambrinato, the latter of whom was concerned in the burning of Count Metaxa and his four servants. This person had written a paper, which Sir Henry Ward had forwarded to him (Mr. F. Peel). It was written in modern Greek, and dated from Corfu. He had a translation of it, which was as follows:—

> "I, the undersigned, do declare that I have not signed any other petition respecting my present condition, in consequence of the events of Cephalonia, excepting one addressed last year to the Minister of the Colonies (Earl Grey), and another to the Lord High Commissioner, dated the 9th (21st) of September last. With respect to the letter dated the 18th of October last, bearing my signature and that of Fotino Steculli, and addressed from Cephalonia to a Member of Parliament in England, and inserted in *Galignani's Messenger*, No. 11,516, I declare that it was not written by me, nor could have been so, as I was then confined in the Penitentiary at Corfu, and I never knew anything about it until explained to me now. (Signed) "ANASTASIO LAMBRINATO,
> of Gerasimo."

Having taken the trouble to ascertain the real truth as to that particular charge against Sir Henry Ward, he (Mr. F. Peel) would not be making an unreasonable request, if he asked the House to believe that the source from which the hon. Gentleman (Mr. Hume) derived his information in regard to Ionian affairs was enough to vitiate every charge he advanced against Sir Henry Ward. He would now say one word upon the question of the high police powers. The hon. Gentleman had said that Sir Henry Ward had imprisoned the writers and editors of articles in newspapers, and in so doing had violated the freedom of the press. He (Mr. F. Peel) would undertake to say, that Sir Henry Ward was as stanch an advocate of the freedom of the press as the hon. Gentleman himself. He was quite sure that Sir Henry Ward would always correctly appreciate the services of a press which was content to discuss public questions within the limits of the law and constitution, and with a due respect for the personal rights of individuals. The columns of the press in the Ionian Islands, however, had from time to time been disgraced by articles of the most slanderous and seditious description; and he (Mr. F. Peel) thought Sir Henry Ward was entitled to credit for having had the courage to put down that vice, regardless, in doing so, of being exposed to the charge of restricting the freedom of the press. But Sir Henry Ward had not shown any desire to retain those powers of the high police, as had been stated by the hon. Gentleman. The only other course which Sir Henry Ward could have taken would have been to have prosecuted the parties in question under the law of the Press. A few years ago there was a complete censorship over the press in the Ionian Islands; and when that censorship was removed, Earl Grey advised that a law for punishing immorality, slander, and libel on the part of the press should be passed similar to that which existed in this country. Lord Seaton had procured the passing of such a law, which he fancied would have been amply sufficient for the end in view; but experience had since proved that the law was utterly futile and ineffectual. Sir Henry Ward had conducted prosecutions under that law, but he found it was quite impossible to obtain a verdict from an Ionian jury, and he had consequently no alternative but to exercise his constitutional power of "high police." He proposed, however, in the course of the last Ionian Parliament, to surrender that power, provided the Assembly would substitute for it a proper law in reference to the press. That proposition was rejected by a majority of twenty-two to eighteen; but that majority, the House should know, was composed of the party who had always been opposed to the policy of Sir Henry Ward. With regard to the constitution, he (Mr. F. Peel) considered that from 1817 to 1848 the Ionian people did not enjoy that full measure of independence and constitutional government which were guaranteed to them by the Treaty of 1815. They had freedom in its appearance, but not in its reality. The electoral body was limited in numbers, and aristocratic in its composition; and its power of election was only nominal, as it was required to choose between two candidates submitted to it by a Board nominated by the Executive. But the hon. Gentleman (Mr. Hume) must remember that in the course of 1849 various reforms were carried; among others, the electoral body was increased from 1,500 to 6,000, and, which was a more important right, they were empowered to choose directly the Members sent to the Assembly. The people, therefore, who were now possessed of a Constituent Assembly chosen by themselves, had an instrument of working out any reform—commercial, legal, or representative—provided only they showed themselves qualified to exercise and enjoy the liberties of constitutional government.

Motion *agreed to.*

SUPPLY—KAFIR WAR.

House in Committee of Supply.

460,000*l.* towards defraying the Expenses of the Kafir War, beyond the ordinary Naval and Military Estimates.

Sir WILLIAM MOLESWORTH said, he should not at present discuss the causes of the present state of South Africa, nor what should be the future policy of this country towards South Africa. He should merely confine his observations to the question now before the Committee, namely, our expenditure on account of South Africa. He wished more particularly to call the attention of the Committee to the great and increasing amount of that expenditure, as shown by returns which had been lately presented to Parliament. That expenditure had gone on steadily and rapidly increasing for the last twenty years. On the average of the three years ending 1850, it had amounted to 500,000*l.* a year, or to about three times the average of the three years ending 1836, or to about 5*l.* a head a year for every European colonist in South Africa, or to about 20*s.* in the pound upon our exports to South Africa. Those exports rose and fell pretty much as our military expenditure increased or decreased, and were greatest immediately after a Kafir war. The reason was simple: our exports to South Africa consisted chiefly of merchandise for our troops, with some muskets and ammunition for the Kafirs; and during, or immediately after, a Kafir war, there was abundance of British gold in South Africa, and commerce flourished. Therefore, if we could withdraw our troops from South Africa, and, as a compensation for so doing, were to make the colonists a present of all our merchandise which they actually consumed, we should make a most excellent bargain. The great increase in our South African military expenditure had arisen chiefly from two causes, namely, from the great increase in the extent of our South African dominions, and from the abolition of the old and cheap system of self-protection by the colonists. In the course of the last ten years the British empire in South Africa had been more than doubled. In 1842 it covered an area of 110,000 square miles; in the course of the next six years, 120,000 square miles had been added to it, and it was extended to nearly the 27th degree of south latitude. If a line were drawn in about that latitude right across South Africa, from the Indian to the Atlantic Ocean, it would be about 1,000 miles long, and would constitute about the northern boundary of the British dominions in South Africa. The territory lying to the south of that line might be called British South Africa, because nine-tenths of it were British dominions; the remaining tenth was the territory inhabited by our Kafir enemies, and which was now surrounded on all sides but the seaside by British dominions. The area of British South Africa was 260,000 square miles—about the same as that of the Austrian empire. Its population amounted to about 700,000 persons; of these, one-seventh, or about 100,000, were of European origin, the greater portion of whom were discontented; about 150,000 were Hottentots and mongrel races, generally disaffected; about 350,000 were Kafirs and kindred tribes, most of whom were our avowed enemies; and the remaining 100,000 were Toolahs in Natal, of doubtful allegiance. In the midst of this discontented, traitorous, or hostile population, we had about 10,000 British troops, who, alone and unaided, were, according to Sir Harry Smith, carrying on a war over an area of three times the size of the United Kingdom, with tribes as fierce as the Circassians or the Algerines. No fewer than 80,000 French troops were required in Algiers. He thought, therefore, the state of South Africa was critical, and it was no wonder that our military expenditure on account of it had increased of late years. The other cause of the great increase in our military expenditure on account of South Africa had been the abolition, in 1833, of the old and cheap effectual system of self-protection by the colonists. With regard to that system, he must observe that it was similar to that which had been used by our colonists in North America in their conflicts with the Indians. In South Africa it had originated with the Dutch, when the Dutch and the Kafirs first met on the eastern frontier of the colony of the Cape. The superior cattle of the Dutch had irresistibly tempted the cupidity of the Kafir. A petty warfare had ensued, like that which had raged in former times on the borders between England and Scotland. The Boers, as the frontier Dutch were called, had combined for mutual assistance, and formed a regular system of irregular defence called the commando system. When the cattle of a boer was stolen, he seized his loaded musket, mounted his horse, and his friends together, went off in pursuit of his property, and righted himself with a strong hand: if he recovered his property, so much the better; if he did not, he had nobody to blame but himself. In these expeditions the boer classed the prowling and marauding savage with the beast of prey, and shot down with equal zest the cattle-stealing lion and the cattle-stealing Kafir. By these means the boers had defended themselves as effectually on the eastern frontier of the Cape of Good Hope, as their descendants had done on the Orange territory and Natal, and now did under the tropic of Capricorn, whence they had offered to come to our assistance. The commando system had continued in full vigour up to the year 1833, when it was abolished. He asserted that the system had worked well on the whole, in protecting the lives and property of the frontier farmers. He found that under that system our military force in South Africa had been steadily and gradually diminished since the war; and consequently our military expenditure had also been steadily and gradually diminished. He found that in 1816 our military force in South Africa had amounted to 4,500 men; that in almost every subsequent year, down to 1833, it had been regularly diminished, till in 1833 it amounted only to 2,000 men, and in that year our effective military expenditure was 100,000*l.* Since then it had gone on steadily and rapidly increasing, both in periods of peace and in periods of war. If each of these periods were compared separately, it would be found that our peace expenditure and our war expenditure had each of them increased very nearly in the same ratio since 1833. For instance, on the average of the two years of peace, ending with 1834, our effective military expenditure on account of South Africa had been 100,000*l.* a year; on the average of the three years of peace, ending with 1846, that expenditure had increased to 280,000*l.* a year, or to nearly three times what it had been in 1833; and, lastly, on the average of the two years of peace, ending with 1850, that expenditure had amounted to 380,000*l.* a year, or to nearly four times what it had been in 1833. Next, with regard to periods of war. There had been no war of any importance in the interval between 1819 and 1833. Since 1833 there had been three Kafir wars: the first was said to have cost 500,000*l.*, the second had cost nearly 2,000,000*l.*, and we should be lucky if 3,000,000*l.* covered the expense of the present one. For the year of war 1835 our effective military expenditure on account of South Africa had been returned at 240,000*l.* On the average of the two years of war, 1846 and 1847, that expenditure had amounted to 860,000*l.* a year, or more than three times what it had been in 1885; and during last year that expenditure must have amounted to 1,000,000*l.*, or fully four times what it had been in 1835. Therefore, since 1833 our peace expenditure and our war expenditure on account of South Africa had each of them increased fourfold, and our last peace expenditure had exceeded by a large percentage our former war expenditure. Therefore the year 1833 constituted an epoch in the history of our South African expenditure. From the peace up to that year our expenditure had gone on gradually diminishing; in that year it reached its minimum. Since then it had gone on steadily and rapidly increasing, and would increase if the present system should be adhered to. In 1833 a great change had been made in our South African policy; the old cheap and effectual system of self-protection by the colonists had been abolished, and the Colonial Office had substituted for it the system of protecting the frontier by treaties made with savages, and enforced by British troops. By those treaties we had theoretically transformed the South African savages into the citizens of a regularly-established State; we had vainly expected that their chiefs would recognise and observe the law of nations; we had entered into diplomatic relations with them; we had appointed agents to reside amongst them; we had stipulated that the chiefs should prevent depredations, should restore stolen property, or make compensation. Those stipulations had been ill kept; for the Kafirs were, to use the words of their own great chief, Sandilli, a nation of irreclaimable thieves, and there was no difference between chiefs and followers. The chiefs had been utterly faithless. They had displayed the greatest skill and ingenuity in evading the provisions of the treaties. The frontier farmers had bitterly complained that the British Government, which had deprived them of the right of redressing their own wrongs, had not sufficiently protected them against the depredations of the Kafirs. Some of these complaints had, without doubt, been well founded. With regard to others, he (Sir W. Molesworth) must observe that when individuals had to redress their own wrongs, and when in so doing they had to incur considerable risk and trouble, they were apt to overlook minor wrongs, which were not worth the risk and trouble of redressing; and this had been the case under the commando system. But when, as under the treaty system, a Government undertook to redress the wrongs of individuals, then every wrong, however trifling, real or imaginary, became, if unredressed, the source of grievous complaint against the Government. Thus, whenever, under the treaty system, a sheep had been lost, or an ox had strayed on the eastern frontier of the colony of the Cape, the farmer had invariably assumed that the Kafirs had stolen it, and that the Government ought to recover it. Therefore, partly on account of real, partly on account of imaginary depredations, the Colonial Government had been contantly called upon to enforce the provisions of the treaties with the savages. But those treaties could only be strictly enforced by constant recourse to armed force, and that would lead to war. Some governors rashly engaged in war; others endeavoured to avoid war. For instance, Sir George Napier, who had been Governor of the colony of the Cape of Good Hope, from 1837 to 1844, had stated in his despatches, and in his evidence before the Kafir Committee, that he had been repeatedly urged to make war upon the Kafirs, and that there were many persons in South Africa who profited largely by Kafir wars. Sir George Napier had stated that he thought it a great folly for a great country like England to be easily provoked into a Kafir war; that he had declined, for the sake of a few head of cattle, to incur the expense of a Kafir war; and he had proposed, instead of going to war, to pay, in certain special cases, compensation out of the public purse to persons who had suffered from Kafir depredations. With regard to this this policy, he (Sir W. Molesworth) must mention a fact well deserving of attention, namely, that the interest of one-fifth of the sum which a year of Kafir war would cost, would more than cover the average annual loss from Kafir depredations. For Sir George Napier had stated that during the six years of his Government the average annual loss from Kafir depredations had not exceeded 6,000*l*. a year. The Committee knew that a Kafir war now cost about 1,000,000*l*. a year. He (Sir W. Molesworth) found that the statements of Sir George Napier were confirmed by official returns: he found that on the average number of the six years from 1837 to 1843, the average number of horses lost were 220 a year, and of oxen about 900; their value, at about 10*l*. each for horses, and about 3*l*. 18*s*. a head for cattle, would be less than 6,000*l*. a year. Therefore the cost of one year of Kafir war would more than cover the loss from a century and a half of Kafir depredations. This was a somewhat mercantile view of the question, but he (Sir W. Molesworth) thought it a sensible one. For the six years of Sir George Napier's Government, there had been no Kafir war. Sir George Napier was an old soldier. He knew the toils and cost of war. He would not rashly engage in it. He thought that neither the honour nor the dignity of Great Britain required it to treat savage tribes as civilised nations, nor to engage in regular war with Kafirs, as with an European community, for violation of treaties and for offences against the law of nations. The policy of Sir George Napier had not been followed by his successors. In 1846 Sir Peregrine Maitland had involved us in a Kafir war for the loss of one axe. In 1847 Sir Henry Pottinger had renewed that war for the loss of two goats. Great Britain had about 2,000,000*l*. to pay, and the consequence had been, that British money had abounded in Cape Town, and commerce had flourished. The present war would be more expensive than the last one, for we had now in South Africa half as many troops again as we had in the war of 1846. The present war had been produced, partly by causes similar to those which had produced former Kafir wars, partly by three special causes. Those causes had been—1st. The conduct of Sir Harry Smith in making himself, in 1847, the Mkori Mkalu, or Great Chief of British Kafraria. 2nd. The frontier policy of Sir Harry Smith, which had consisted in perpetual and vexatious interference with the affairs of the Kafirs, and in a continual and galling attempt to destroy the authority of their chiefs. 3rd. The ignorance of Sir Harry Smith of the feelings which the Kafirs entertained towards him and his frontier policy. He (Sir W. Molesworth) had proved these positions at length last year. He would not do so again, for they had not been contradicted, and in fact they had been admitted in the last despatches of Earl Grey. He thought that Sir Harry Smith ought to have been recalled long ago; in fact he ought never to have been appointed Governor of the Cape of Good Hope. He spoke only of the civil proceedings of Sir Harry Smith. He did not feel competent to pronounce a decided opinion upon the military proceedings of Sir Harry Smith; he must, however, say that he could not discover any essential difference between those tactics and those for which Sir Harry Smith had acquired great renown in the Kafir war of 1835. Those tactics had been to starve the Kafirs into submission by invading their fatnesses and sweeping off their cattle. For the success of these tactics it was indispensable to prevent the Kafirs from simultaneously invading our colony, and sweeping off the cattle of the colonist. For these purposes two armies were indispensable, namely, an invading army and a protecting army. Of one of these armies Sir Harry Smith had been deprived by the discontent of the Dutch, and the disaffection of the Hottentots. Therefore, when Sir Harry Smith invaded the fastnesses of the Kafirs, and swept off their cattle, the Kafirs turned our flank, invaded the colony, and carried off the cattle of the colonists; and when Sir Harry Smith returned from the fastnesses of the Kafirs, bringing along with him their cattle, the Kafirs returned to their fastnesses, taking along with them the cattle of the colonists. Therefore, for the ill success of Sir Harry Smith's tactics, those persons were chiefly to blame who had produced discontent amongst the Dutch, and disaffection amongst the Hottentots. Into the causes of that discontent and disaffection he would not inquire at present. He must say, however, that, when he considered the position of our gallant troops in South Africa, in the midst of a population one-half of whom were hostile, and the other half were, in about equal proportions, discontented, disaffected, and doubtful—when he considered that those troops had not suffered one positive defeat, had not lost one single convoy, but had accomplished many gallant feats of arms, he thought that they deserved great credit for themselves, and reflected credit upon their veteran commander, whose health had been well nigh worn out in the service of his country. A high military authority had expressed his opinion, in another place, that when the fastnesses of the Kafirs were stormed by our troops, they ought to be destroyed, and roads ought to be made into them. With the utmost deference to that high authority, he (Sir W. Molesworth) doubted whether those things could be done by any amount of military force which we could send to South Africa. The fastnesses of the Kafirs were of two kinds, either steep mountains, capped with sandstone, resembling vast fortifications, with huge masses of sandstone rising several feet from the surface of the ground; or deep, narrow, gloomy ravines called kloofs. Both mountains and ravines were covered with the peculiar bush of South Africa. In that bush, and behind the masses of sandstone, the Kafirs lurked and skirmished with impunity, retreating as our troops advanced, advancing as our troops retreated. Our troops had stormed some of these fastnesses three or four times over, with considerable loss to themselves, and with a loss to the Kafirs too frequently doubtful; for it was uncommonly difficult to kill the Kafirs. They were very tenacious of life, and their spare diet of milk, and healthy climate, enabled them to recover speedily from wounds which would be certainly fatal to Europeans. Now, our troops could not occupy these fastnesses, for they could not live in them. To open roads into them over the mountains and the kloofs would be a task of immense engineering difficulty, and would cost an immense sum of money, both in making and keeping in repair. And when the roads had been made, unless the bush on both sides were destroyed, they would only be narrow defiles, and the Kafir lurking in the bush would shoot with impunity at our passing troops. But to destroy the bush would be a task of herculean labour, for the bush would not burn; it was composed of plants of so juicy a nature that flame would not communicate from one plant to another. The peculiar bush of South Africa was unlike anything in any other part of the globe. It was more difficult to destroy or penetrate than the densest thickets of the tropics. It consisted of various thorny succulent plants of genera which must be well known to many hon. Gentlemen; for instance, of plants of the *Aloe*, justly called *ferox* by botanists; of plants of the *Zamia*, most appropriately termed *horrida;* of plants of various kinds of *Euphorbia*, some with tall columnal stems, beset with formidable spines, others resembling prickly clubs, others like vegetating pincushions; others, when cut, pouring forth an acrid milky poison, which, coming in contact with the human skin, produced virulent ulcers. An European could not make one single step in this bush without cutting his way, except in the paths made by wild beasts. But the Kafirs, with wonderful dexterity and agility crept through the bottom of the bush like snakes and other reptiles, and none but Hottentots could follow them. To destroy this bush, it must be cut down by the hand of man; and it must be kept down, or it would soon spring up again. To cut it down an army of labourers would be required; whilst doing so, an army would be required to protect the labourers; and, when done, the ground would be so sterile and arid, that it could not be applied to any useful purposes. Therefore he thought it probable that the bush of South Africa never would nor never could be destroyed, and would continue to afford hiding-places for Kafirs as long as Kafirs should exist: consequently he deemed it impossible to put a stop to Kafir wars by destroying their fastnesses and making roads. He was afraid that the present Kafir war was not at an end. He believed, however, that the commencement of the termination had begun. It was a most important question, what should be done to prevent the recurrence of similar wars? He should not discuss that question at present, except to repeat a warning which he had given to that House four years ago, namely, that if our present South African policy should be adhered to, there would be a Kafir war at the end of every four or five years, unless, indeed, we were to attempt to prevent a Kafir war by keeping a large military force permanently stationed in South Africa. He thought that under the present system at least 7,000 British troops would be required to be permanently stationed in South Africa to preserve peace and order within the British dominions; for instance, 4,000 men on the eastern frontier of the colony of the Cape, 1,000 in Natal, 1,000 in the Orange territory, and 1,000 for a garrison and reserved force at Cape Town. Those 7,000 men would cost in effective military expenditure probably 500,000*l.* a year on the average of years. This was not an extravagant estimate. For the seven years ending 1850, our effective military expenditure on account of South Africa had amounted to 3,334,000*l.*, or about 480,000*l.* a year; and the average number of British troops in South Africa during that period was 4,800. There could be little doubt that, under the present system, the military expenditure of this country on account of South Africa, for the next period of seven years—namely, that ending 1857—would be greater than that for the period ending 1850—because the present war was a more formidable one than that of 1846 and 1847; because Natal and the Orange sovereignty, which had been acquired in the former period, were beginning to become expensive, and because there could be no doubt that, immediately after the termination of the last war, Sir Harry Smith, with a view to economy, had made too large a reduction in the military force of South Africa. Under the present system there was this dilemma with regard to South Africa; if you made too large a reduction in your military force with a view to the saving of money, the savages were emboldened to disregard their treaties more than they usually did, and then, if war followed, more than your savings were soon spent; on the other hand, if you wish to enforce treaties and preserve peace, you must constantly maintain in South Africa a large military force, and incur almost a war expenditure. He thought, therefore, that under the present system no prudent Secretary of State for the Colonies should, after the termination of the present war, undertake to preserve peace and order in British South Africa with less than 7,000 British troops. He might, perhaps, for a time do with less, and if he were lucky, and the tenure of his office short, he might get some credit as an economist, but in all probability he would bequeath a costly Kafir war to his successor. For instance, had Earl Grey not returned to office at the beginning of last year, the finance accounts for the last years of his administration would have shown a considerable diminution in our military expenditure on account of South Africa, but he would have bequeathed to his successors the whole of the present Kafir war. Therefore, if we were determined to adhere to our present South African policy, we must make up our minds to pay annually about 5*l.* a head for the defence of every European colonist in South Africa, or about 500,000*l.* a year. In his opinion a great change ought to be made in our system of South African policy. We ought to give to the colonists of South Africa the freest institutions and the complete control over their local affairs. We ought as soon after the termination of the present war as circumstances would permit, to require those colonists to take upon themselves the defence of their frontier against the native races; and finally to reduce the military force in South Africa to be maintained at the expense of this country to a garrison at Cape Town, with a proportionate reduction in our military expenditure. He would choose another opportunity for discussing these questions.

MR. HUME wished to know to what period this Vote extended; whether for the whole of the year, or for a portion of the year; and he also wished for accounts to be produced from the colony, to enable the Committee to judge respecting the probability of a continuance of this expenditure.

The CHANCELLOR OF THE EXCHEQUER said, the present Estimate for the expenditure of the Kafir war was up to the present time—that was to say, up to the 25th of March. With regard to the future prospects of the war, it was impossible for him to form an estimate, but he trusted that the next mail would bring them cheering prospects.

MR. GLADSTONE: Sir, in reference to what the right hon. Gentleman has just stated, I hope the Committee will not rashly infer from what he has stated—I have no doubt with perfect good faith—that this Vote of 460,000*l.* to-night, together with the Vote of last year, amounting to 300,000*l.* represents anything like the total expense of the war. Because the right hon. Gentleman is perfectly aware, and the Committee, I have no doubt, will bear in mind, that these votes, on the contrary, represent only the extra expenditure of the war, or rather only a part of the extra expenditure; because, if we want to get a full pecuniary view of the case, it is necessary that we should charge that war with the whole expenditure of the military force employed in it. But, Sir, the figures of the pecuniary expenditure are not the entire, and perhaps they are not the worst, part of the evil; but these figures are frightful, and in themselves almost incredible. The tales of our frontier policy at the Cape, and the losses which that policy has brought upon this country, when they are recounted to those who come after us, will appear all but fabulous. It will appear the height of extravagance that this country should have gone a hunting, as it were, to the uttermost ends of the earth to find means and opportunities of squandering its treasure and the lives of its subjects for no conceivable purpose of policy. It had not been done with a view to found colonies, or to extend them with a greater effect than might have been done under a different system, but to deprive them of the opportunity of learning the lessons of freedom, of self-reliance, and of independence, which can alone train them to social union, and ensure their permanent connexion with this country. The Committee are much indebted to my hon. Friend the Member for Southwark (Sir W. Molesworth) on this occasion, as on many former occasions, for having laid before us in a form the most luminous, and with a diligence the most praiseworthy, many of the facts which bear upon this interesting and most painful question. I think it is unnecessary for me to follow him over the ground which he has taken up, though there is abundant scope for that arithmetical calculation and computation which will bring vividly before the popular mind of this country the enormous absurdities which we are perpetrating in South Africa. When you are told that the government of South Africa, not in one or two isolated years, but constantly and permanently, costs more per head of the population than the government of Great Britain and Ireland, you will think that strange, and begin to look grave. But look at it in another aspect—ask yourselves what is the character of the province you are defending—what is the amount of its European population? Sir, there is a return laid upon the table of this House which gives the different population of the white and coloured inhabitants; and from that return it appears that 5,500 souls is the entire white population of the provinces of Albert and Victoria, in the district of Kafraria. If you were to buy up these 5,500 souls, men, women, and children, ten times over—if you were to transport them all in carriages and four from the provinces which they inhabit to districts where they would be in a condition of security, the expenditure would not amount to one-fourth of that which you are now expending on a Kafir war; and for what? What conceivable object have you in view? I would not urge this pecuniary view of the question were it to induce you to forego the object of conferring some permanent benefit, some great advantages, upon South Africa; but, on the contrary, the system which you are now pursuing confers upon South Africa no benefit whatever, but ensures the perpetual recurrence of wars with a regularity which is perfectly astounding. Now what is the course which the Parliament and the Government ought to pursue? It would be needless, on this occasion, to resume old quarrels. We are not here to discuss the conduct in particular of this or that Governor, or of this or that Minister, except that in justice to Sir Harry Smith I must say, with my hon. Friend who has just sat down, that I am not aware of any valid ground for censure on that gallant officer's military character. I set aside all retrospect of a controversial character, but I hope I may be permitted now to repeat words similar to those which I believe I used on a former occasion, when the last Kafir war was drawing to a close. On that occasion I followed the right hon. Gentleman the Member for Northampton (Mr. V. Smith), in beseeching and entreating Parliament seriously to consider the question of our frontier and colonial policy, to take advantage of that golden opportunity when the public mind was smarting under the sufferings which had been entailed by our past course of proceeding, and when subjects, though connected with one of our most remote dependencies, no longer appeared dry and uninteresting, but when arguments thus addressed *ad crumenam* were felt to have weight, and to show that attention to a question which, not on economical grounds alone, but on public and political grounds, was felt to be of the deepest interest. There is, however, one passage in the instructions which have been addressed by the late Colonial Secretary to the gallant Officer who has gone out to assume the Government at the Cape, to which I cannot refrain from adverting, because it is a passage which may be characterised as eminently prospective. I will not answer for the verbal accuracy of my quotation, but I think that General Cathcart is instructed by the late Colonial Secretary, in the first instance to address himself to the conclusion of the war. He is instructed next to expedite the operation of the constitution; and he is instructed, lastly, to consider fully the question of our frontier policy, and to make a report on that question, which is to be submitted to the Government, and to the British Parliament. Now, Sir, the prospect thus opened is one, I confess, by no means satisfactory to me. I am perfectly convinced that the debates which have taken place in this country with regard to the difference between one system of colonial policy and another, are, in the main, idle, futile, and mischievous debates. They are all based upon the false assumption that the regulation of the relations between the European settlers and the barbarous natives of South Africa, are matters to be settled by a gentleman sitting in Downing-street. These schemes all proceed on the false assumption that the mainspring, the moving power, of the operations of frontier policy, is here, and not in the colony—that the responsibility for every depredation committed rests on this country, and not on the inhabitants of South Africa. It is not in the present century that for the first time these things have been considered, and we are not without the light of experience to guide us, but unfortunately we have chosen to reject it. The colonists of North America had aborigines to deal with. Did they trouble this country for armaments, and for votes of 500,000*l.* or 1,000,000*l.*, or ask for the lives and blood of our gallant men in order to defend them against the attacks of barbarians on their borders? No. They knew well how to defend themselves; and in defending themselves they not only exempted us from the burdens, but they regulated their affairs infinitely better than if we had spent the whole of our national resources to do it for them. I wish also to enter my most respectful protest against the fundamental fallacy which appears to me to be involved in the instructions given to General Cathcart. It is not for any Government or Parliament of the country to devise any new system of frontier policy for the Cape of Good Hope; and I am certainly amazed that a nobleman, possessing such great experience as the late Secretary of State for the Colonies, should announce gravely his conviction that the time has now arrived when it is necessary for this country to consider some change in the frontier policy of the South African Colonies. Sir, we have been considering little else for the past twenty-five years, and every change we have made has only left matters worse than before. We have been changing the frontier policy for years past, just as a sick man, when weary of lying upon one side, turns to the other, not because he has any hopes of deriving relief from the change, but because the excessive weariness and disgust of the position in which he lies makes him believe that no other position can be worse. Do not let us enter upon the consideration of such a subject with feelings like these. We have seen a large expenditure exhausted—we have seen all that the ingenuity of men can do—we have seen all that benevolence can do—all that courage can do has been done, and in vain; and the result of all this is that your position is worse, and worse prospects still are before you, unless you change the fundamental policy which has dictated all your past proceedings. Sir, if I am right in my opinions, it is to the colonists themselves that we must look for the change in the frontier relations of the colony. We must not only look to them for the determination of their frontier policy, but we must leave the colonists to determine what that frontier is to be. It will not do to send gentlemen from this country to disport themselves in the wilds of Kafraria by adding once a week or once a fortnight some space of country as large, or two or three times as large, as Great Britain, to the British dominions of the Cape. Whatever is done there must be done under the responsibility of the popular constitution you are about to accord to the colony. Rely upon it if you will give the boon of local liberty without stint, and having regard, of course, to Imperial unity; if you will give the colony this boon of local liberty without stint and without limitation, you will find no disposition on their part to grudge the sacrifice and efforts which will be necessary for the self-defence of the Colony. I am not so visionary as to say that we can expect at once to put an end to our military system upon the frontiers of the Colony. What I want to see done is the centre of responsibility and of motion which has been wrongly placed in this country by modern and vicious policy, in despite of ancient and better experience, carried back to that place from which it ought never to have been brought. I want to see the Colony of the Cape of Good Hope in full recognition of the principle that its first duty and first responsibility is its own self-defence. I am convinced that in urging that, I am urging what they themselves will be free to urge if you give them the freedom which the American colonists of old enjoyed. What, then, are our functions in regard to the colonists? It is our duty, undoubtedly, to protect them against enemies of their own, such as they could not be expected successfully to cope with. It is our duty, of course, to defend them against attacks of civilised or European Powers. I would go even further. I say that you must not grudge your money in the first instance, and you must continue to assist them till you have extricated them from the effects of the bad and vicious system which has so long existed. I am sure that even the hon. Member for Montrose (Mr. Hume), careful as he is, and justly so, of the public funds, will not dissent from that opinion. We cannot, in a moment free ourselves of the consequences of our past conduct. What I venture to suggest is, the formation of this central responsibility at the Cape, which should treat this frontier question as a Colonial one. This is no unreasonable demand. It is surely no question of British or Imperial interests whether the frontier of the Cape Colony should be the Fish River, the Orange River, or the Keiskamma. These are matters which none but colonists should be permitted to consider and decide for them. These are matters which, if you allow them to consider for themselves, they will gladly undertake. If given the freedom to which they are justly entitled, they are perfectly ready to discharge the duties which belong to the condition of freemen. Rely upon it that by doing everything you can to foster and support freedom and self-reliance, you will, upon the one hand, be giving a most powerful stimulus—far more powerful indeed than if you continue to pour forth your resources upon the sands of Africa—to the growth of the colony and the development of its power. You will, by so doing, upon the other hand, I am well convinced, be contributing to rivet, with a force greater than any you can now apply, those bonds of attachment which connect that Colony with the mother country.

Lord JOHN RUSSELL said, he had listened very attentively to the right hon. Gentleman's address, in the hope of hearing a solution of the difficult question of the government of the colony of South Africa; but the right hon. Gentleman had left that question, at the conclusion of his eloquent speech, in the same position in which he found it. The question to be discussed in the middle of the nineteenth century was not the same as that which arose in North America in the seventeenth century. The first expeditions to North America consisted sometimes of merchant vessels, adventurers under commissions from the Crown, and sometimes of buccaneers. These parties founded there a settlement upon some part of the coast, and if in two or three years that settlement was swept away, and its inhabitants murdered by savages, no account of it reached this country for, perhaps, two or three years, and then the rumour of the loss was perhaps confined to Plymouth or its neighbourhood, and spread little, if any further, into this country. Other adventurers followed; they grew in numbers, and, adopting a wise policy, they resisted the incursions and attacks of the Indians, and in process of time they not only succeeded in keeping their ground, but gradually drove them away and exterminated them; and the intelligence of the destruction of the natives was regarded with as little interest as that of the slaughter of settlers had previously been. It was this indifference to the origin of our American colonies which gave rise to the remark that those colonies were the growth, not of our care, but our neglect. There was no resemblance between such a case and that presented by the Colony of South Africa, or even with the present state of the frontiers of that great country which is now called the Republic of the United States. When the right hon. Gentleman referred to the example of America with respect to frontier policy, he could not have been aware that the Secretary of War for the United States reported this year to Congress that the expense incurred by the Central Government in repelling the incursions of savage tribes in Mexico, was 700,000*l.* more than that of the previous year. In South Africa we chose, not as the United States had done, to acquire territory by a treaty of peace after a war with Mexico, but we chose in 1819 to plant a settlement there, far beyond the metropolis of the country. We established farmers in that settlement, and a grant was made by the House for that purpose. The question, then, was this—was the policy carried on with regard to South America, if policy it could be called, one that would be applicable to the frontiers of the Cape of Good Hope? It was true that there happened in South Africa such scenes as were described by the Secretary of the United States as occurring on the boundaries of that country. The houses of the farmers were burnt, and men and women butchered, and the people were obliged to fly to arms for their own protection. But, this being so, would it be satisfactory if that House, after establishing the settlement and sending out these people, were to say, "It is no business of ours; it is a matter for the colonists—if they have put themselves in the neighbourhood of the Kafirs, let them look to their own safety" He did not believe any Government of this country would maintain such a policy. He knew, at all events, that under different Governments and under different Secretaries of State, including Lord Stanley and Lord Glenelg, as well as Earl Grey, there had at no time been a determination to say that we should withhold our hands, and that we should be indifferent to the fate of our fellow-subjects in South Africa. But neither were the colonists permitted to defend themselves by committing injustice against the savage tribes, and destroying them when they were innocent. In 1835, when it was thought that injustice had been shown to the aborigines, that House immediately interfered. Questions were asked with regard to the treatment of the savages; and the House declared that, while, on the one hand, they would not allow the British colonists to be murdered, so, on the other, they would not allow injustice to be done to the aborigines, and that at the same time they would take care that the savages did not go to war and murder one another. This system of interference arose from the wish of Parliament and of the country to do justice, to act with benevolence and philanthropy, and, while they maintained the British Government strong and powerful, resolved not to allow any tribe to be oppressed or injured. At all events, that was a very honourable feeling on the part of this country, and it was certainly a very different one from that which prevailed two centuries ago. Seeing, then, that they had had wars in 1835, in 1846, and in the past year, the question no doubt arose when our military men had done their best, and our military forces had exerted that courage which they usually showed, what was to be done for the future government and future policy of the colony? Upon that question the right hon. Member for the University of Oxford (Mr. Gladstone) stated that it was a great fault in Earl Grey to instruct General Cathcart that he ought to make a report to the Government at home on the subject. In that advice he (Lord John Russell) cordially concurred; and before General Cathcart left the country, he had an interview with him, and pointed out the difficulties he was likely to encounter, at the same time telling him that much would depend on the judgment he might form when he reached his destination. As a proof that the right hon. Gentleman was not entirely in the right on the matter, he might state that on the report which was sent home by the Governor might depend a very important question, with regard to the amount of forces that should be sent out to support him. If he were to say that we should defend Cape Town, and a small territory round it, a small garrison would in that case suffice, and few troops would be sent out, so that in this view alone it was of importance to know what was the opinion of the Governor. The right hon. Gentleman said this was a question for the colonists, and, under the influence of a free Government, they would soon be able to settle it. Now, the great difficulty of the white population placed in South Africa consisted in this, that their number was small compared with that of the native population; and in this respect their position was entirely different from that which our countrymen held for a very long while in North America, because in North America the white population had gradually increased, and, as it did so, and improved in all the arts of civilised life, they were able to take advantage of the improvidence and want of care shown by the natives, and thus the tide of population by degrees rolled out the wandering tribes of North America. There had not been, however, from 1835 to the present time—or rather he should say from 1819 to the present time—that increase of population in South Africa which enabled them by means of that population alone to make a strong frontier and drive out the savage tribes. The different Governors who had been sent out, Sir Benjamin D'Urban, Sir Peregrine Maitland, Sir Henry Pottinger, and Sir Harry Smith, had endeavoured, one after another, by military force to do so; and this had entailed upon the country an enormous expense, and added not a little to the difficulties of the case. With regard to our future policy, he believed that we had probably great difficulties to encounter. He did not think it would be satisfactory to this country to withdraw the troops, and that all the population sent out by the Government and by grants in 1819 should be left to the protection of the colonists, or, in other words, should receive an insufficient protection, and be overwhelmed by the incursions of the native tribes. He thought it would bring dishonour on the British name, and that it would afford a lamentable prospect for the future maintenance of the Colony. On the other hand, they could not continue the policy of maintaining an immense frontier that was, in fact, of no use to this country, from which we derived no advantage whatever. They would be obliged to adopt some policy which was between the two, a policy neither abandoning those who were planted there by our care, nor, on the other hand, keeping up an immense frontier entirely by military resources, and by means of votes from Parliament. He thought such a policy might be established; but upon that policy would depend the question whether they had to send a greater or less military force into South Africa. If they continued the present policy, they could not much diminish the forces. If they were to say that they would allow a general massacre to take place throughout the settlement, then they might with a very small force maintain Cape Town and its neighbourhood. If they took the policy of maintaining a sufficient protection, and not pushing their frontier too far, he should then say that a military force of no great amount would be sufficient to protect the Colony. Undoubtedly a system of self-government was a matter of great importance to the Colony. He did not, however, believe they could have any form of government to the Cape, of a Representative Assembly, that would consent to make the efforts we had made: he did not believe that, if they looked at the amount of their revenue, they would be able, even if they were willing, to do so. By the aid, however, of British troops, the colonists, strengthened and invigorated by the freedom which they would derive from representative institutions, would find themselves in a very improved position. There had been every wish of late years that the Cape should enjoy those institutions. He was sorry that a misunderstanding arose on that point. The late Government, no doubt, thought they were in the right, while, no doubt, the party acting with Sir Andrias Stockenstrom also thought they were in the right; but, at any rate, that misunderstanding prevented the establishment of free representative institutions in 1850 and 1851. Having now got them, however, he believed that they would conduct those institutions in a different spirit from that which had been spoken of tonight with regard to the Ionians. He believed the Dutch colonists, as well as our own countrymen, understood the working of representative institutions, and when the constitution was in operation they would to a great extent be guided by the opinion of the colonists themselves; and, in combination with British power, he believed those representative assemblies would be able to maintain the Colony of South Africa. He could not conclude his remarks without saying a word with regard to Sir Harry Smith. He was of opinion that with regard to Sir Harry Smith's military service, nothing had occurred that ought to impair his high reputation. He should be sorry indeed if that great reputation which Sir Harry Smith had gallantly won for himself in the battlefield of India, and which was confirmed by the opinion of his gallant fellow-soldiers, should be at all injured by what had taken place. He thought that, as Governor, unfortunately he was deceived by that which appeared to the late Government to be a merit in his appointment—his former knowledge of the character of the Hottentots and Kafirs, which he acquired in that country at different times. In that it appeared he was deceived. He should most deeply regret if anything which had passed, or any opinion expressed by Her Majesty's late Government, should be supposed to cast the slightest tarnish upon the military reputation of Sir Harry Smith.

Sir JOHN PAKINGTON said that, after having listened with attention to the able speeches of the hon. Baronet the Member for Southwark (Sir W. Molesworth), and of the right hon. Gentleman the Member for the University of Oxford

(Mr. Gladstone), in a great portion of which he fully concurred, he had heard nothing which tended to solve the question raised by the right hon. Member for the University of Oxford, as to what ought to be the future policy of the Government with respect to the boundaries and frontiers of the Cape Colony. With the settlement of this question great practical difficulties were connected, and these had been greatly complicated by the events of the past few years, which rendered those difficulties greater than they would otherwise have been. The question was one of great difficulty, and the difficulty was much increased by late events; and it was a question on which it was the first duty of the Government to exercise the greatest care and caution before committing themselves to pledges or principles of policy. He might observe that, when seeking a Vote of Supply on account of this Kafir war, nothing could be more natural than that a discussion of this kind should arise. Yet, at the same time, he should say he thought it was somewhat premature. Both the hon. Members to whom he had referred had pressed upon the attention of the Government the necessity of bestowing the blessings of free institutions upon the Cape Colony. One of these hon. Gentleman had said that we ought to bestow upon the colonists a greater degree of freedom, and leave them to settle their own boundary for themselves. With respect to their conferring upon the Colony the boon of freedom, it had been already done, though somewhat tardily he thought, by the late Secretary of State for the Colonies. A constitution had undoubtedly been sent out to the Cape of Good Hope, which was now under the consideration of the legislature there; and since he (Sir J. Pakington) had been in office, he had done all in his power to facilitate its consideration, and to impress upon the Council there the desirableness that no time should be lost in discussing and deciding upon the subject. When, however, they came to consider the future policy which the Government ought to exercise, although he wished to draw no invidious comparison, he could not refrain from saying that the question had been complicated to a most unusual extent by the conduct which had within the last few years been pursued. It was impossible to deny that great dissatisfaction and discontent had been produced in the Colony by the acts of the British Government. First, the question of slavery; then the struggle with respect to the admission of convicts; and, lastly, the great delay which had occurred in granting the constitution to the Colony. The first duty of the present Ministry will be to take care that, at all events, we shall not suffer the mistake of permitting that enormous extension of territory which has been carried on of late years under the late Administration. He had no desire to speak with the slightest disrespect of Sir Harry Smith. He had listened with the most sincere pleasure to the language in which his military success had been spoken of by the noble Lord opposite (Lord J. Russell), and the hon. Member for Southwark. The last despatch which he (Sir J. Pakington) had received from the Cape, went far to show that that distinguished officer was still serving his country with the same vigour and ability which he had displayed in so eminent a degree on the plains of India; and if he (Sir J. Pakington) had one hope and one feeling more than another, it was, that before the House met again after the approaching holidays, the Government might have received accounts from South Africa, not only showing that this distressing war had been brought to an end, but that it should be completed before the painful recall of Sir Harry Smith should prevent him achieving the great object in which he had been engaged. Indeed he knew of no intelligence which to his feelings would be more gratifying, or which he felt certain would afford greater pleasure to the people of this country. But at the same time he could not fail to recollect that it had been under the administration of Sir Harry Smith, owing to the great and rapid acquisitions of territory, that the causes had arisen which had involved this country in its present war. Upon the arrival of Sir Harry Smith at the Cape in 1847, he had not been there more than a fortnight before he wrote home to Earl Grey to state that he added the neutral ground beyond the Fish River, a large extent of country of some 50,000 or 60,000 square miles, to the British territory. Within another fortnight he wrote home to say that he had made another great addition to the British territory of the tract of country known as British Kafraria; and a short time after that a large tract adjoining the Orange River was added. Allusion had been made to the comparatively small white population; but this fact was easily accounted for by the rapid accession of new territory. To this increase of territory Lord Glenelg, in 1835, refused to give his assent; but Earl Grey, within the last four years, gave his consent in rapid succession to every one of those great additions to the dominion of the British Crown in South Africa. What was the language of Lord Glenelg on this subject? In an able despatch to Sir Benjamin D'Urban, dated December, 1835, Lord Glenelg said—

> "The claim of sovereignty over the new province, bounded by the Kieskamma and the Kei must be renounced."

That was the very province of British Kafraria the annexation of which Earl Grey most precipitately sanctioned. Lord Glenelg went on to say—

> "The territory of the Kafirs, I am aware, is in itself a fertile and salubrious region, contrasting but too favourably with the prevailing sterility of our own possessions. But the great evil of the Cape Colony consists in its magnitude; in the vast space for which it encroaches on the continent, and the consequent extent of its boundary. We are thus brought into contact with tribes numerous and warlike, and a scale of establishment is required, both civil and military, extensive beyond all proportion to the number and wealth of the inhabitants."

That was a very different line of policy from that pursued by Earl Grey. The noble Lord further said, that "the restitution of invaded rights in that as in many other cases, would involve injuries more formidable than could be imagined." Having once taken possession of these parts in the name of the British Crown, it was a most difficult thing to retrace our steps, and retract or renounce the policy which led to them. But this country was now entangled not only by Earl Grey having consented to add those great districts to the British dominions, but by the fact that in September last Earl Grey wrote out to desire that the step with regard to the great kingdom of the Orange Sovereignty should be revoked; and now despatches were daily expected from the Cape with the report of the Assistant Commissioners, who had been directing their attention to the best mode of governing this district of the Orange Sovereignty. Sir Harry Smith, about the time of receiving that report, would receive also the despatch of Earl Grey, directing him to abandon that Sovereignty. It was under these circumstances that the Government had to address themselves to the difficult task of extricating this country from the embarrassments in which it had been involved. It would undoubtedly be most agreeable to the Government if they could take the more popular course of saying, "We have resolved to throw this question to the colonists;" or, "We have at once resolved to adopt this line or that;" but he hoped that House would agree in the wisdom of the course which the Government were disposed to take. It behoved them to act with all possible caution. This he could promise, that their best attention should be given to the subject, and he thought they were bound to wait not only for the information which might be daily expected, but for the termination of this unhappy war. He hoped, by taking every pains in their power, the Government would be able, with due care and caution, to adopt a policy which should give the blessings of freedom and safety to the Cape without impairing the honour of the Crown.

Mr. ROEBUCK said, the right hon. Gentleman who had just sat down, apparently did not understand the question at all. There was far more behind than he had touched upon. There was far more behind than the right hon. Gentleman (Mr. Gladstone) and the noble Lord (Lord John Russell) had touched upon; and that was the feeling of the people of the country. It was clear that if British colonists were allowed to take possession of a country, and import thereinto all the power which their arts of civilisation gave them, they could resist the barbarous tribes around them. But for that purpose they must be left to act for themselves, and completely for themselves. But the Colony of South Africa had not been allowed to do so; and the difficulty of the whole question was this. There was a place in this city called Exeter Hall, and the people assembling there said, "You have no right to go to South Africa." But the noble Lord (Lord John Russell), the right hon. Gentleman the Member for the University of Oxford, and the Colonial Secretary, did not say so. They were all prepared to go there. These people in Exeter Hall said, "Your going there is a breach of the rules of morality, and you are taking English civilisation and power there for a purpose contrary to morality." The people complained that the power of England had been employed for the purpose of maintaining conquests in that country. He would ask the right hon. Secretary for the Colonies this question—was he prepared, first of all, to maintain the colonists in that country? If so, he would ask the right hon. Gentleman how were they to be maintained? They must be maintained against the aboriginal rights; and if they were to be thus maintained, they would be best maintained by giving the people themselves the right of governing themselves. But this would most assuredly be the consequence—if power should be given to the colonists of England to maintain their own dominion, they would exterminate the aborigines. This was one of those lamentable consequences in human nature over which there was no control. It was a fact from which there could be no escape, that the black man would disappear before the white man. Let him not be misunderstood. There was only this alternative—we must either withdraw our colonists, or maintain them. We could only maintain them by giving them power to maintain themselves, and that power would give them power over their frontier. That frontier they would extend whenever it might suit their interest, and whenever it suited their interest they would exterminate the aborigines. When Columbus approached America, some of the most fertile portions were possessed by a few tribes. England sent there the most religious of her sons. The Puritans exterminated the natives. There was nothing more horrible than the violence and ferocity exercised by them towards the native tribes. That system existed up to the planting of Pennsylvania, where a more mild and beneficial mode of establishing a colony was attempted; but even there it was found impossible to maintain the white population against the red man without the power of extermination. England was now about to people South Africa. The first steps might be painful. There might be much cruelty—there might in reality be great unfairness and immorality. But the result would be the planting of a population far more moral, far more capable of happiness, spreading science and Christianity over those regions. This, however, could be done by no means but by means of the population themselves. Every two or three years would bring about a Kafir war, and if the Kafirs were to be subdued by English arms, there would be no end of the expense. The English people would not bear it. They would not have this species of war. The right hon. Gentleman the Secretary for the Colonies would find himself totally unable to govern this country and the Colonies on the principle for which he contended, unless a fair and candid statement was made to the people of England of the great difficulties which exist. It was for them to decide whether we should have Colonies in South Africa. If they should so decide, let them understand that it would be at the expense of the aborigines, and that no power of theirs could prevent the extermination of that unfortunate race.

Mr. ADDERLEY said, that the right hon. Secretary of State for the Colonies had observed that we ought to deal with the subject at present under the consideration of the Committee with caution and deliberation. He (Mr. Adderley) should agree with him if delay were possible in such a matter, but he begged to point out to him that the course of our future policy with respect to the Cape must be to a great extent determined by the despatches that would be sent out by the next mail. The right hon. Gentleman might rely upon it that another chapter of accidents would fall upon this country through the omission to send out distinct and positive orders by the next mail; and those orders should be to close the war, and leave the colonists to take up their own future line of self-defence. No Kafir war had ever been really concluded, but peace was patched up *flagrante bello*. The colonists would form an effectual cordon of militia against its recurrence. With respect to the remarks which had fallen from the noble Lord the Member for London (Lord John Russell), he (Mr. Adderley) felt glad to hear the expressions which he had made use of regarding Sir Harry Smith. They were a noble and generous testimony to the merit of that gallant officer, and such as might be expected from the character of the noble Lord, and he believed that they had elicited the sympathy of the whole House. Whatever the mistakes of that gallant officer had been in his attempt to manage the savage tribes around him, he (Mr. Adderley) did not think there was one man in this kingdom who justified the despatch by which he had been recalled. The noble Lord also took credit to the late Government for conceding a constitution to the Cape. He agreed with the noble Lord that he had done his utmost to give that constitution; but he believed that the noble Lord had not taken sufficient precaution to prevent his object from being frustrated on the spot. The noble Lord the Member for London said that he did not wish to diminish the Empire, and that we must go on for the present with the existing frontier, but that he hoped that we should ultimately fall back upon a narrower frontier. But even if that were desirable, it would not be possible; for the colony, when it had complete power of self-government, would not give up any of Her Majesty's present possessions, though it would maintain them at a much smaller expense of both blood and money than was possible for a Government at home. As to the Vote that was now proposed, the only fault he found with it was that it was too small; for it no more paid up the expenses of this war than did the Vote of last year. We must, however, pay the whole, for the expense was incurred by our own Minister, and was a penalty we had to pay for one of Earl Grey's experiments: he feared it would not be the only very expensive one. But the matter for the Committee to consider that evening was as to the mode in which the recurrence of such an expense could best, most safely, and most honourably, be prevented. He did not wish to enter into a discussion of the policy that had been adopted by Earl Grey towards the Cape, because he understood that such a discussion would be raised after the holidays, and also because the noble Earl the author of that policy was now out of office, and therefore no practical end would be gained by it; but he would say he was convinced that the first despatch of the present Colonial Secretary to the Governor of the Cape would give satisfaction to the colonists, as it had given to those individuals in London who were interested in the Colony, and would lead them to hope for what they believed to be the panacea of all the evils of the colony, namely, an immediate and *bonâ fide* carrying out of the promised constitution. There was, however, one thing he wished to press upon the attention of the Committee—that by the next mail they might hope to hear that the war was over; first, because Sir Harry Smith had for the first time a sufficient force for the war, and would no doubt, when he knew that he would be superseded, act with the greatest vigour to secure a triumph before his successor arrived; secondly, because he (Mr. Adderley) had a belief in that justice that overruled the world, that Sir Harry Smith would not be allowed to suffer from the unjust censure that had been cast upon him, but that the man upon whose pressing instructions he had acted would have the responsibility cast upon him, and that the success of the war would still, in the eyes of the country, show that Sir Harry Smith had done his best with the scanty means put at his disposal, and that the conduct of the Minister had been the cause of his temporary defeat; and, thirdly, they might hope to hear of the termination of the war because nothing was more easy than a Kafir victory, excepting, perhaps, the creating a Kafir war, for in a Kafir war there was no declaration, or any of the rules of regular warfare; and so, on the other hand, there was no necessity for a cessation of hostilities in order to arrive at a treaty of peace. The war being over, then would come the question how to rearrange the frontier. General Cathcart had instructions, after he had concluded the war, to offer suggestions for the protection of the frontier. If the suggestions of Her Majesty's agents in the Colony were to be followed, instead of leaving the colonists in their own Parliament assembled to make their own suggestions, wars would break out again, and, of course, still at the expense of England. He was afraid that the neglect of the right hon. Baronet (Sir J. Pakington) to send out a despatch qualifying those instructions to General Cathcart, would mix him up with the policy of his predecessors, and endorse that policy which had been so fatal in our hands. The Cape was ready to take the matter into their own hands, and to carry on all the wars which they undertook. The rebel boers of the north had shown how readily they maintained their own territory. If they were drawn within our allegiance, we should have as strong a colony in South Africa as those which, in another hemisphere, had raised us to eminence as the greatest colonising nation on the earth.

Colonel THOMPSON said, in most debates there was some point which seemed miraculously to escape notice. In the present case, the missing point was, "How did the war begin?" Could nobody tell? Was knowledge on this subject tabooed, or was there any rule of that House, when 400,000*l.* had been expended for a certain purpose, no question should be asked how the necessity had arisen? Did this war begin about a bullock, or was it about two goats? No; this war arose from the depositary of British power in South Africa imitating one of the worst examples in all history—the example of a certain Gesler, who, hanging up his hat and demanding that obeisance should be made to it, lost the house of Austria the whole of Switzerland. Imitating this wretched example, the depositary of British power in

South Africa demanded to put his foot, not figuratively but literally, upon the neck of a Kafir chief with whom he was engaged in negotiation. Suppose the Kafir chief had demanded to put his foot upon the neck of an English officer, what sort of an outcry would there have been then? If a Roman general had ever done such a thing in his contests with our rude ancestors, would not the Senate and people of Rome have sent him to Sicily, under surveillance, and fed him upon hellebore? [*A laugh.*] The feeling created in the country on this subject was most perilous; it went to break up the bonds of civil union, and make men look upon the Government as their foe. It was not a little thing that would make Englishmen pray that the arms of their country might be unsuccessful. But he had heard a public assembly, led by their teachers of religion, and standing in the presence of that Deity whose eyes are upon all men, but particularly as was the ancient belief, upon assemblages of men met to consult upon their duties and their rights, pray solemnly that He would send defeat upon their country's arms; because they thought those arms were employed for felony. There might yet come a period when England would wish she had gained the affection of other countries. Who loved us at present? Who did not hate us? Was it the inhabitants of the Ionian islands? Was it the Ceylonese? Was it the people at the Cape? At the last of these, the governing power had chosen to raise the fearful question of the difference of colours. The Kafir chieftains well knew, that no Europeans ever asked to put their feet on one another's necks. They knew that it was only asked, because they were of African race. The Hottentot population knew the same; and therefore they joined the others. We called ourselves Anglo-Saxons, and by that name meant a claim to oppress all other nations. It had been stated to-night that the war must cost three millions already. If every acre in South Africa were brought to the hammer and sold, what equivalent should we have for the loss of popularity, of fame, and of union at home? For his own part, he hoped that there would be a division against the vote; for he did not see how those who disapproved of this vote could mark their disapprobation and detestation of it in any other way than by the voting against it.

Mr. F. PEEL said, he owed it to Earl Grey, to make an observation with reference to one subject which had been alluded to in the course of the debate. It would be in the recollection of the Committee that the hon. Member for North Staffordshire (Mr. Adderley) had placed a notice upon the paper of the House reflecting very severely upon the conduct of Earl Grey, and alleging that he was desirous of shifting from himself to the Governor whom he had recalled, the responsibility of the affairs of the Cape—a state of affairs which it was said resulted from his own mismanagement and maladministration; and in the public press, in places where they had no opportunity of offering anything on behalf of Earl Grey, whenever the subject of the Cape had been introduced, Earl Grey's name had always been brought forward in connexion with that discussion, and no pains had been spared to place him and his conduct in the most unfavourable light before the country. All he (Mr. F. Peel) should say was this, that in that House, where they had liberty of voice, where they courted inquiry and challenged investigation, whenever the hon. Member for North Staffordshire, or the hon. Baronet opposite (Sir W. Molesworth), might choose to bring forward a Motion calling in question the policy of Earl Grey with reference to that colony, he (Mr. F. Peel) should be prepared to enter into the fullest vindication of the course pursued by Earl Grey, and particularly to substantiate every statement contained in that despatch in which Sir Harry Smith was informed of his recall. The present discussion, however, had a different object. It was said that so long as the Parliament of England insists upon regulating the affairs, and attempting to determine the relations of the colonists at the Cape to the tribes which are continually pressing upon the frontier, so long would there be a recurrence of these devastating and harassing wars which are so costly and inglorious to this country. It was said that now was the time to transfer to the colonists the management of their own affairs. But he thought that with the imperfect materials we had upon which to form an opinion, it would be premature as yet to lay down any definite course of policy. The course which the late Government intended to pursue was in every way the most desirable. They had sent out competent Assistant Commissioners to inquire into and report upon the state of affairs at the Cape, and upon the colonial frontier, and it was their intention to have submitted to the House the communications of those Commissioners, and not to have decided upon anything without first taking the sense of the House upon their Reports. It was said that their policy had been marked by a lust for territorial acquisition—a desire to aggrandise the sovereignty and dominion of the Queen. Certainly territorial acquisition had been made, large tracts of country had been added to the dominion of the Cape during the administration of Earl Grey, and especially during the period of it coincident in point of time with the governorship of Sir Harry Smith; but when a fitting opportunity was offered, he (Mr. F. Peel) should be able to prove that those acquisitions were simply and solely for the benefit of the Colony itself. And so with respect to their policy on the eastern frontier, that was adopted from a desire to provide protection for the lives and property of the colonists. As to the delays which were alleged to have taken place in the changes in the political constitution of the Cape, the Government, and more especially Earl Grey, were exceedingly desirous to expedite the establishment of representative institutions at the Cape. The delays arose from those very parties whom the hon. Gentleman opposite (Mr. Adderley) appeared to have taken under his special protection; from those who claimed to be the foremost advocates of self-government, but who had used all their tactics in endeavouring to throw obstacles in the way of the accomplishment of that which they professed to be so desirous of seeing accomplished.

Mr. HENRY DRUMMOND said, he greatly regretted that the hon. Gentleman opposite (Mr. Adderley) had not brought forward the Motion upon this subject to which the hon. Member (Mr. F. Peel) referred. After what had been said by the hon. Member, he felt it his duty to do a simple act of justice toward Sir Harry Smith. If the noble Lord (Earl Grey) had pleased to censure him for having pursued a line of policy contrary to the instructions which he had received, it was for the noble Earl to do so, and to recall him from the Government, if he pleased. But when the noble Earl presumed to censure the military operations of Sir Harry Smith—[*Cries of* "No, no!"]—the noble Earl did censure his military operations, as would be seen from that despatch. Yet, what were Sir Harry Smith's qualifications and experience? what was his education, that the noble Earl should so find fault with his military conduct? When he (Mr. H. Drummond) saw in opposition to that the express answer of the Duke of Wellington, who was competent to judge of these matters, who was not an ordinary man in Downing-street—when he saw the Duke of Wellington censuring that despatch, and giving his testimony, which was worth something, to the military character of Sir Harry Smith, he (Mr. Drummond) said this despatch was a shame. He had never given a vote for a factious Motion in that House. He had often voted for the Government when he thought they were indefensible, because he thought the Motion made was not so much upon the merit of the case, as an attempt to overthrow a Government. But when he recollected having thus reluctantly voted during the whole of that dirty Ceylon business, he could not help thinking that if Sir Harry Smith had ever been, like Lord Torrington, a Lord of the Bedchamber, or a relation of a Cabinet Minister, that despatch never would have been written. And what was more unmanly still, the despatch was thrown down upon the table of the House before they had time to hear any answer to the charge, in order that the character of Sir Harry Smith might be blackened prior to any debate upon the merits of the case. It was a very dirty job.

Mr. HUME said, this question of the Cape was not one that could be settled in Downing-street. The only mode by which it could be settled was on the spot, by those who would, if they were allowed, manage their own affairs. If the hon. Gentleman (Mr. F. Peel) could defend Earl Grey in this matter, he believed he was the only man in England who could. In the House, and out of the House, he had heard but one universal expression of condemnation of Earl Grey's despatch to Sir Harry Smith. He trusted that Government would speedily give to the colonists at the Cape a free Government, and entrust them with the responsibility of managing their own affairs.

Lord JOHN RUSSELL: Sir, I feel that I cannot avoid saying a few words after the speech of the hon. Gentleman the Member for West Surrey (Mr. H. Drummond). I will therefore take upon myself to say a few words with reference to that matter. My opinion is, that Earl Grey was very reluctant to recall Sir Harry Smith, although he had been for some time convinced, and I had been at one time of opinion, that it was a matter of doubt whether Sir Harry Smith did not take too sanguine a view of his own operations, and whether he was not misled by his own too favourable anticipations. However, the Government was anxious that Sir Harry Smith should have an opportunity of bringing that war to a close. At length, however, the information which reached us from the Cape was to the effect that there was no reason to expect the speedy termination of the war which Sir Harry Smith in his despatches evidently latterly anticipated. It was then that Earl Grey proposed to the Cabinet that Sir Harry Smith should be recalled, and the Cabinet unanimously agreed in that opinion. My belief is, that Earl Grey came with pain to that decision; and I am quite sure that no want of uprightness or of generosity, no wish to throw any blame upon others which he ought to incur himself, is rightly to be attributed to Earl Grey. That is not a part of the character of my noble Friend. Then the hon. Gentleman (Mr. H. Drummond) said, repeating an insinuation which I have heard, but which I should not have expected from him, that if Sir Harry Smith had been, like Lord Torrington, a relation of a Cabinet Minister, such a despatch would not have been written. Sir, there is no doubt that Lord Torrington is a distant relative of mine. But he does not owe to that relationship the appointment to the Governorship of Ceylon. I had mentioned to Earl Grey three or four persons whom I thought qualified to hold that important appointment. Earl Grey proposed the appointment to each of those persons in succession, and it so happened that each declined it. Earl Grey then informed me that he had received a suggestion—I know not now from whom—that Lord Torrington would be a fit person to conduct the Government of Ceylon. I gave my acquiescence in that recommendation, which had not originated with me. My own opinion, however, is, so far from Lord Torrington being treated with any favour, Lord Torrington underwent an unfair and unjust trial, and that it was partly on account of that misfortune of being related to me that unmerited blame was attached to him, and repeated faults were attributed to him. Lord Torrington's governorship was successful. Whatever difficulties he had to encounter—whatever disturbances had taken place—he had suppressed; and when he left the Colony he left it in a better state than he found it. The investigation which took place before a Committee of this House produced, by inquiry and by cross-examination, a private correspondence that had taken place, and on that ground he was recalled. My belief is, that never was a man subjected to such an ordeal as Lord Torrington was, and that, so far from deserving censure for his general administration, he deserved the praise that was given to him by Earl Grey. Unfortunately that private correspondence showed that he had not preserved harmony amongst his subordinates in Ceylon. But when the hon. Gentleman (Mr. H. Drummond) imputes to the Government and to Earl Grey that he showed favour to one man because he was related to his colleague, and passed censure on another because he was not so related, he does a gross injustice both to Lord Torrington and to Earl Grey.

Mr. HINDLEY said, he regretted that the hon. Member for Leominster (Mr. F. Peel) had not taken that opportunity of justifying the vast accession of territory which Earl Grey approved, because the present was not a party Motion. He (Mr. Hindley) thought that the policy of Lord Glenelg was the right policy, and that it would have been much better if we had confined ourselves within the boundary of the Great Fish River. If that had been done, we should not now have the Government asking for votes like the present. He was sure that the sooner we returned to the policy of Lord Glenelg, the better would it be both for this country and for the colony of the Cape.

Vote *agreed to.* House resumed.

CORRUPT PRACTICES AT ELECTIONS BILL.

Order for Committee read.

House in Committee. Clause 6 (Inquiry by the Commissioners).

Mr. WALPOLE said, he had to propose an Amendment limiting the retrospective operation of the Clause. His object was, not to leave the Commissioners an unlimited discretion to go back to as many antecedent elections as they might think proper, but to restrict their powers of inquiry to the last ten years, or to the last three elections.

Amendment proposed, in p. 3, lines 19 and 20, to leave out the words "and for such period retrospectively as they think proper."

Lord JOHN RUSSELL said, he did not think it would be wise to limit the powers of the Commissioners in the manner proposed by the right hon. Gentleman. There might have been corrupt practices extensively prevalent at every general election for twelve, or twenty, or twenty-five years past, and he thought that they would afford most material matter for inquiry.

Mr. CHISHOLM ANSTEY opposed the Amendment, and said he must blame the noble Lord (Lord John Russell) for making so many concessions to hon. Gentlemen opposite. If there was to be any utility in the Bill, the Clause must be allowed to stand in its original shape; and if the proposed alterations were permitted, the country would consider the Bill a delusion and a sham, and would not believe there was any disposition to put a stop to corrupt practices at elections.

The ATTORNEY GENERAL thought, if the words stood as they were, they would give too large a discretion to the Commissioners, and that it was desirable to put some limit to the inquiry. It might be difficult to define what that limit should be, but he was rather disposed to take a certain term of years, and to prevent the Commissioners from going beyond it. He should suggest that the term of ten years, or three elections—either one or the other—should be taken, which would give sufficient space for full inquiry into the state of the borough, more particularly when it was recollected that this Commission was to be preceded by an inquiry before a Committee.

Mr. BOUVERIE said, the St. Albans Bribery Bill had the words now proposed to be expunged in it when it left that House, and when it came down there again they had disappeared from the Clause, but the House had them reinserted. That was pretty conclusive as to what had been the feeling of that House against the right hon. Gentleman's Amendment.

Mr. REPTON said, he should support the Amendment, as being calculated to render the Bill a good working measure. The St. Albans Commissioners had had very large and unlimited powers confided to them, and they had gone into evidence regarding a great number of anterior elections. He admitted that they had performed their duty with great fairness and ability; but he thought this Bill would be more efficient if some limit were laid down with respect to the powers of the Commissioners to be appointed under it.

Mr. HUDSON thought that until the leaders of both sides of the House declared publicly that henceforward they would dispense the patronage of the Government without favour or affection, and irrespective of political opinions, it was all nonsense, and purely absurd, to pursue the poor voter for taking a bribe. When he sat on the other side of the House he never had any applications for places; but now that his party had come into office the applications to him were very numerous, it being supposed that he had the disposal of all the patronage of the Government as far as his own borough was concerned. He believed the corruption at head-quarters was worse than that amongst the humbler orders.

Sir ALEXANDER COCKBURN hoped the Committee would not consent to this Amendment, nor agree to anything that would abridge the powers of the Commissioners. If the Commissioners were to be invested with such large powers, they must, of course, select men for the office on whose discretion they could rely; and if they could rely upon them, it would be unwise to fetter them in their investigation. They were now on the eve of a general election, and each party was going to the country with confidence in the result of the appeal. If he might judge from the last election which had taken place—he alluded, of course, to the borough of Monmouth—scenes of corruption, debauchery, and violence would take place which would be a disgrace to us as a civilised community. He trusted, therefore, that this Bill would be made effective, so that boroughs which were guilty of corrupt practices might be punished, and on this ground he called on the Committee to resist the Amendment.

Question put, "That the words proposed to be left out, stand part of the Clause."

The Committee *divided:*—Ayes 116; Noes 99; Majority 17.

Mr. MULLINGS proposed to add in line 42, after the word "election," the following words :—

> "And whether or not all or any of such corrupt practices were committed or done by the fraud or contrivance, or at the instance, of any and what person or persons in particular, and for what object, or under what circumstances."

Sir ALEXANDER COCKBURN thought that the proposed Amendment was superfluous, as the object of the Bill was to punish corruption in the electors, and not in any other person; and at all events there was this conclusive objection against it, that the Commissioners would have nothing to do with disfranchising a borough, which must be reserved for the action of Parliament.

Mr. WALPOLE said, he concurred with his hon. and learned Friend in thinking that if they appointed Commissioners, they must trust that they would report fairly what had taken place; and if fraud had taken place, and evidence of it was given before them and reported to the House, they would not then disfranchise the borough.

Mr. JOHN STUART said, that he could not help expressing his astonishment at the doctrine which had been propounded by his hon. and learned Friend the Member for Southampton (Sir A. Cockburn). It seemed that this Bill was only intended to punish the recipients of bribes, while those more guilty persons who paid the money and tempted the poor voters were to go unpunished. He protested against this wretched hypocrisy, especially coming from the quarter whence it did. Did any one doubt that the dockyard boroughs were the most corrupt and the worst seats of bribery? And, therefore, when a Member for Southampton, of all persons in the world, was considering how he could punish those who accepted bribes, but not at all those who offered them, he (Mr. J. Stuart) said, that he was advocating a measure contrary to every principle of justice and fair dealing, and one in which he (Mr. J. Stuart) would take no part. The whole principle of the Bill seemed to him eminently calculated to defeat its professed object, and half the speeches that had been delivered upon it were founded on the most hypocritical pretences.

Sir ALEXANDER COCKBURN said, that he would not bandy words of this description with his hon. and learned Friend who had just resumed his seat; but he begged leave to tell him that when he charged him (Sir A. Cockburn) with hypocrisy he made a most unjust and unfounded charge. There was not, he solemnly protested, either in or out of that House, an individual who would do more than he would to put down this practice of bribery, not only in the bribed, but also in the bribers; but how could two objects be accomplished in one and the same Act? This was a Bill to prevent the corruption of a constituency, and if it had taken place, to detect and expose it. He did not contend that if they had a Report from Commissioners pointing out that corrupt practices had existed in a certain borough, and who had been guilty of them, that they should disfranchise the borough, and should not visit with punishment the bribers as well as the bribed. What he objected to was, that it was not the matter in hand to ascertain whether bribes were given fraudulently; that it was merely to detect the corruption of the constituency; and if his hon. and learned Friend, having listened to him, had misunderstood him, or had thought proper to misinterpret him (he cared not which), he begged leave to tell him that no more unfounded charge was ever made than when he accused him (Sir A. Cockburn) of hypocrisy.

Mr. CHISHOLM ANSTEY said, that the hon. and learned Member for Newark (Mr. J. Stuart) appeared to have so bad an opinion of the Government as to think that they would use dockyard influence at the next election for corrupt purposes. The hon. and learned Member for Southampton did not, however, represent such a borough; and he (Mr. C. Anstey) had a better opinion of the Government than to suppose they would be guilty of that wholesale bribery which the hon. and learned Member for Newark foresaw would take place at the coming election.

Motion *withdrawn.*

Clause *agreed to.*

Mr. ADDERLEY moved to add the following Proviso:—

> "Provided that nothing contained in this Act, or any other Act, shall be construed to bring within the meaning of corrupt practices the giving reasonable refreshment to any voter who shall come from a distance of more than two miles to the poll, if any such refreshment be given not later than three hours after the time at which the polling of that day ceases."

He thought that it would be a disastrous thing to go to a general election with the law in such a state as it was at present, that no one could stand a contest without breaking the laws and rendering his return liable to be voided. It had been recommended, he believed, by the noble Lord (Lord John Russell), and certainly by Mr. Speaker, that treating should be recognised by law, and that tickets for refreshment should be given by the sheriff to the electors who polled, the expense to be afterwards divided amongst the candidates as hustings expenses. He believed that it would be better to escape the difficulty by taking the votes of electors at their own houses; but so long as candidates had to invite their friends to their own houses—for he was afraid that candidates at elections must consider the public-houses something like their own—it was against the feelings of Englishmen to invite their friends and not give them some refreshment. Several Chairmen of Election Committees had recommended such a provision, and he believed that both the late Sir Robert Peel and the noble Lord the Member for London had stated that the present Bill did not intend to embrace such cases as he had referred to, but was directed against corrupt treating only. The giving of any refreshment had, however, been made illegal. He had been told by eminent legal authorities that "reasonable" was a legal and legitimate word, and one that could be understood and construed by lawyers.

Lord JOHN RUSSELL said, that this Proviso hardly came within the scope of the Bill, the object of which was to provide for an effectual inquiry into corrupt practices, but not to make any new law, or to define by law what was a corrupt practice. The two objects should, he thought, be kept perfectly distinct. The hon. Member (Mr. Adderley) could himself bring in a Bill on the subject, or he believed that an hon. Friend of his own intended to do so. There was much to be said in favour of such a Proviso; but at the same time great care must be taken in doing it. He thought, however, that it should be the subject of a distinct Bill.

Mr. ADDERLEY begged to draw the attention of the noble Lord to the 56th Clause, in which treating was referred to. He thought, therefore, that it would not be inconsistent with the object of the Bill to add a Proviso, explaining what should be taken to be treating.

Sir ALEXANDER COCKBURN said, that this Clause did not attempt to define either treating or bribery, but merely pointed out how, taking the offences to be as they were at present defined by law, the fact of their having been committed might be ascertained.

Mr. ADDERLEY begged to ask whether the proposed Bill, to which the noble Lord the Member for London had referred, would be brought in before the coming elections?

Lord JOHN RUSSELL said, that it was his hon. Friend the Member for Essex to whom he had referred; but the hon. Member for North Staffordshire (Mr. Adderley) could, if he wished, bring in a Bill on the subject.

Mr. M. J. O'CONNELL, as one of the Chairmen of the Election Committees to whom the hon. Gentleman had referred as being favourable to an amendment of the kind now proposed, recommended the hon. Gentleman not to press his Amendment at the present moment.

Mr. STUART WORTLEY quite agreed with the hon. Gentleman in thinking that the subject was one of importance; but this was not the opportunity for introducing it. Besides the objections pointed out by his hon. and learned Friend the Member for Southampton (Sir A. Cockburn), and the noble Lord, he thought that, as this Bill was confined entirely to boroughs, the Proviso proposed by the hon. Member for North Staffordshire (Mr. Adderley) would not apply to counties where the grievance of which he complained existed.

Mr. ADDERLEY said, in deference to the general feeling of the Committee he would withdraw the Amendment; but he would do his best to introduce a Bill on the subject.

Remaining clauses *agreed to.*

House resumed.

House adjourned at half after one o'clock.

HOUSE OF LORDS,

Tuesday, April 6, 1852.

Minutes.] Public Bills. — 1ª Common Law Fees Regulation.

2ª Bishopric of Quebec.

Reported.—Patent Law Amendment (No. 2); Mutiny; Marine Mutiny.

3ª Indemnity.

TREATY WITH BELGIUM.

In reply to a question from Lord Stanley of Alderley,

The Earl of MALMESBURY said that the treaty to which the noble Lord alluded was first negotiated by Her Majesty's late Government. A difficulty arose respecting the interpretation of that part of the treaty which referred to the duty upon salt, but that difficulty was got over; then came another difficulty as to the object of the negotiation—a difficulty which had arisen in the Belgian Chambers. The Belgian Chambers had altered the tariff on the articles mentioned in the treaty, from what the tariff on those articles was when that treaty was first entered into. The consequence was that the advantages which we expected to accrue from a negotiation were quite neutralised, and the whole spirit of the treaty was altered. For those reasons the late Government delayed the ratification of the treaty, and in that state of suspense Her Majesty's present advisers found it upon coming into office. The present Government found it impossible to advise Her Majesty to ratify the treaty; but they took measures to have the tariffs placed on the same footing, both in the spirit and the letter, as they stood when those negotiations first commenced. The Government, in effect, drew up the treaty upon exactly the same terms as Mr. Labouchere had originally presented it to Belgium. Whatever advantages the English Government then expected from the treaty, which had not yet been ratified, would be thus obtained. The treaty was now about to be ratified. He expected it would be ratified before the 10th of this month; and he believed that, both in the spirit and the letter, without giving any opinion as to the merits, its provisions generally would remain identical with that treaty which was first negotiated by Mr. Labouchere between the Belgian and British Governments.

LOSS OF THE "BIRKENHEAD."

In reply to Lord Monteagle,

The Duke of NORTHUMBERLAND said that, with respect to the alleged loss of the *Birkenhead*, he was sorry to say the Admiralty had not received a report, nor any other information on the subject. The Admiralty, seeing the telegraphic message in the newspapers, sent a message by electric telegraph to Devonport to the superintendent of the packet station, to know whether he had received any report of the accident, and if so why he, or the Admiral on the station, had not forwarded the news to the Admiralty, at least as soon as the newspapers had it. The Government, he repeated, had no further information than what was transmitted through the newspapers.

ADJOURNMENT OF THE HOUSE.

The Earl of DERBY: My Lords, I rise to move the adjournment of the House, and in making this Motion, I think it right to ask your Lordships to adjourn to the same day as the House of Commons, namely, Monday, the 19th instant. I know your Lordships do not generally adjourn to exactly the same day as the other House, but upon the present occasion I think it is desirable to fix the meeting of your Lordships upon the day on which the House of Commons assembles; for it will be necessary not only to pass the Mutiny Bill, but there is also another Bill fixed for Monday week, to which it is desirable the Royal Assent should be given as soon as possible.

THE INDIAN PRESS.

The Earl of ELLENBOROUGH said: My Lords, I wish to take this opportunity of making one or two observations which I refrained from making last night from a reluctance to detain your Lordships. Those observations arise out of the speech of my noble Friend opposite in reference to the war with Ava. My noble Friend at the head of the Government stated last night the intentions of the Governor General, in the military operations now going forward against the Burmese Government, and likewise the substance of two communications made by the Governor General to that Government. I feel it necessary to state to your Lordships that those intentions of the Governor General with regard to those military operations, and the substance of both those communications to the Burmese Government, were published in the Indian newspapers a month ago. A fortnight, at least, before these military operations were commenced, their nature and their object, the points against which they were to be directed, and the intentions of the Government to withdraw the troops before the rainy reason commenced, must all be well known, through these Indian newspapers, to the Burmese Government. My Lords, this constant, inveterate vice in the administration of the affairs of India, must be absolutely eradicated. It is essential to the credit of the Government, it is essential to the safety of the army, that complete secrecy should be observed on all their movements. I know all the difficulties that the several Governors General have had to contend with in preserving that necessary secrecy. Your Lordships can hardly form a notion of the extent to which the secrecy—even of State documents—of the intentions of the Indian Government is, I might almost say, universally betrayed. When I arrived at Madras, on my way to Calcutta, I saw in a Bombay newspaper one or two paragraphs respecting the war with China. These paragraphs, my Lords, I recognised as having proceeded from my own pen—as being a part of my own instructions for the conduct of the war—instructions which were written by me, when at the Board of Control. I sent for those instructions; and I found that those paragraphs in the Bombay newspapers stated not merely the substance, but every word: nay, my Lords, that one to which I now refer had been so evidently copied from the original document that a literal error which had crept into the original, was also in the copy in the Bombay newspaper. The original I had in my own hands. I will mention another circumstance. About a fortnight after my arrival in India I received a report from the General commanding Lower Sinde, who was then about to advance to Candahar. He stated, in the most minute details, the positions in which he intended to place the troops in Sinde, and the strength of every detachment which was to occupy those positions severally. The whole of that important document giving this important information was conveyed to the enemy, for it was published in a Bombay newspaper three days before it was received in Calcutta. My Lords, no Government can possibly conduct the affairs of a great empire, especially in time of war, without incurring the greatest perils, if they are to be subjected to these betrayals of public confidence. I will mention another instance. About three months after my arrival in India, I thought it necessary to remain at Allahabad, at a great distance from the Commander-in-Chief, who was so much nearer to the army then in the field. I was not then so conversant as I afterwards became with military affairs, and I thought it expedient to give a discretionary power to the Commander-in-Chief to direct that the forces should remain at Jelalabad, or should retire, as he might think fit. My Lords, every particular of that order was, by means of private letters, known in the camp before the General could possibly give instructions for carrying out the measures the Commander-in-Chief had directed him to adopt. After that, my Lords, I determined that the knowledge of no military movements whatever should leave my own breast until the time of execution had arrived; and from that hour no man in India but my own private secretary and my two aides-de-camp knew of the directions given or the contents of my letters; and by that secrecy so preserved, various military operation were conducted to a successful issue, and with a small loss of men. Through this want of secrecy, my Lords, although the object in view may be effected, it is frequently effected with a greater sacrifice of human life. Now, in the present case, the Governor General of India, being at Calcutta, cannot take the measures which I took, being then in the field at a distance from the Council. All the orders of the Government in Calcutta must be known to all the Members of the Council, and to their Secretaries. I do most earnestly recommend to my noble Friend at the head of the Government, by the next mail which sails to India, to call the attention of the Governor General in Council to this scandalous betrayal of public confidence, and to tell him, that any measures which may be necessary to extirpate this evil, and to preserve the necessary secrecy as to the measures of the Indian Government, will receive the full and cordial support of the Government at home, even though it should involve the instant removal of any man, whatever his rank, who holds office under the Government of India.

The EARL of DERBY need scarcely assure his noble Friend that he thought this subject one of deep and vital importance, and that he concurred in every word which his noble Friend had uttered regarding the impossibility of conducting the affairs, and especially the military affairs, of a Government, if all or any of its measures were made known to the enemy almost as soon as they were decided on. He would communicate on this subject with his noble Friend who was at the head of this department, and he had no doubt that proper instructions would be sent out by him by the next mail.

The Motion for adjournment *agreed to.*

House adjourned to Monday, the 19th instant.

HOUSE OF COMMONS,

Tuesday, April 6, 1852.

SEIZURE OF PUBLICATIONS IN BELGIUM.

MR. MONCKTON MILNES said, he wished to ask his right hon. Friend the Chancellor of the Exchequer a question with respect to what he (Mr. M. Milnes) believed to have been an illegal seizure of the property of a British subject by the Belgian police. It appeared that about 100*l.* worth of books, the property of a gentleman of the name of Jeff, had been seized, while on board of a British steamer, by the police in Belgium, under the false pretence that the package had contained papers of a seditious character against the French Government. The package did, he believed, contain some pamphlets which the Belgian Government declared to be illegal; but a prosecution subsequently instituted against the author and publisher of those works had resulted in an acquittal.

Under these circumstances, he wished to ask his right hon. Friend whether any correspondence had taken place between Her Majesty's Government and the Belgian Government upon that subject; and whether Her Majesty's Government were willing to press for the restitution of that property which had been illegally detained, and for some compensation to Mr. Jeff for the injury he had sustained by that detention?

The CHANCELLOR OF THE EXCHEQUER: Sir, Her Majesty's Government has been informed of the circumstances to which the hon. Gentleman refers; but I think he has scarcely in the remarks he has made, accurately conveyed the facts. It is true there was a seizure by the Belgian authorities of a case of books belonging to Mr. Jeff, an English subject, I believe, in consequence of a communication between the Belgian police and the commander of the *Soho* steam packet, in which the case was; but it is not correct to say that the seizure took place on board a British ship, though, had it been so, the ship being in the Belgian waters it would not have affected the case. But it appears the case of books was landed after the communication had taken place between the police and the commander of the *Soho*, and, on being opened by the authorities, was found to contain a large number of copies of political works—I believe there were 500 copies of a pamphlet which was known to be contraband—a pamphlet entitled, I think, *La Vérité des Evenemens du mois de Decembre*, 500 of the *Moniteur Français*, 500 of the *Bulletin Français*, and several copies of a work complained of as being edited and directed against the French Government, under the false title of *Le Belgie Commercial*. These were all seized under an old Belgian law of the time of King William, and in the exercise of the powers possessed by the Belgian Government under that law. Since the seizure took place, the *Bulletin Français* has, it appears, been prosecuted before the Belgian tribunals, and the editor has been acquitted. In consequence of that acquittal, the question naturally arises whether the Belgian Government were entitled, under the law I have referred to, to seize the copies of that newspaper. That question is one of law between Mr. Jeff and the Belgian tribunals; and if he finds he cannot have that relief which is open to any Belgian subject under similar circumstances at the hands of those tribunals, it will then become the duty of the British Government to see that justice is done to a British subject. But now, as far as we know, there is legal relief open to him, and until he has attempted to obtain redress by that means, it is not open to us to make any application to the Belgian Government. The question of compensation must, of course, entirely depend on the previous circumstances.

THE LOSS OF THE "BIRKENHEAD."

MR. ADDERLEY said, he wished to ask the hon. Gentleman the Secretary to the Admiralty whether the Board of Admiralty had received any information with respect to the loss of the *Birkenhead* steamer, and whether the hon. Gentleman could inform the House what had been the number of souls on board that steamer, and when she had left England? He also wished to know whether the hon. Gentleman would communicate to the House the latest intelligence which had been received at the Admiralty with respect to the *Megæra* and the *Hydra*?

MR. STAFFORD said, that at half-past ten o'clock that morning the Admiralty had received—not by any official communication, but through the electric telegraph—information of that distressing event. They had immediately forwarded a telegraphic communication to Admiral Sir John Ommanney, at Plymouth, desiring him to report to them any circumstances of the case which might have reached him. No answer had since been received from Sir John Ommanney; and at half-past two o'clock a further communication had been despatched to him asking for an explanation of that delay. Until an answer to that communication had been received, it would be premature for him (Mr. Stafford) to pronounce any opinion upon the cause of that delay. He had waited at the Admiralty until half-past four o'clock, and up to that period no official communication had been received there upon that subject. The number of souls on board the *Birkenhead* had been upwards of 600. With respect to the other two vessels to which the hon. Gentleman had alluded, he had to state that the *Hydra* had sailed from Devonport on the 10th of February, that she had been heard from at Madeira on the 20th of February, and from Sierra Leone on the 2nd of March. The *Megæra* had sailed from Devonport on the 7th of January, had left Madeira on the 27th of January, after having had some delay there, and had been in communication with the *Bos-*

phorus, in lat. 28·13 N., and long. 1818 W., on the 29th of January. That was all the information he could give to the hon. Member upon those subjects.

BRAZIL AND THE RIVER PLATE.

MR. MILNER GIBSON said, he had given notice to the right hon. Gentleman the Chancellor of the Exchequer, that he would that night put a question to him respecting the relations between the English Government and the Government of the Brazils, and also in reference to the free navigation of the River Plate. He was precluded from making any statement on this subject, because there was no question before the House. He had wished to take the opportunity afforded by the Motion for the adjournment of the House, to make his question intelligible by entering into some remarks; but as that question had been disposed of, he would comply with the rules of the House, and confine himself simply to the question. He wished to know from the Government whether they intended to take any steps to place the relations between this country and Brazil on a more satisfactory footing than they had been for some time past; and he also wished to know whether they contemplated, as the result of the joint action of France and England in reference to the River Plate, the free nrvigation of that river, and its being opened to the trade of Europe. He put the question in connexion with Brazilian relations, because friendly relations with Brazil would appear to be almost an indispensable preliminary to the free navigation of the River Plate.

The CHANCELLOR OF THE EXCHEQUER wished to express his regret that any misapprehension had occurred respecting the notice of Motion for the adjournment of the House. He must say on behalf of his hon. Friend the Secretary to the Treasury, that he believed his hon. Friend was strictly in order, and that in taking the step which he did, he was influenced solely by a nervous anxiety to secure their holidays. If any hon. Gentleman wished to make any observations, no advantage would be then taken by the Government of the fact of the Motion for the adjournment being passed. They were prepared to listen to any discussions on their conduct, and would reply to them in the best manner that they could. With regard to the right hon. Gentleman who had just sat down, he could only say that he had not at all conveyed to him (the Chancellor of the Exchequer) the idea that he was going to make a statement on the interesting and important question which he had brought under the notice of the House. On the contrary, what he intended to do never appeared in the notice paper. He did, in the courtesy of conversation, inform him most distinctly that he was going to address to him a question, and, of course, he must be prepared to reply to that question when it was put; and if the right hon. Gentleman had told him that on that day he should bring before the House the whole question of Brazil and the River Plate, of course this unfortunate misconception could not have arisen. However, to reply to the right hon. Gentleman's question, he must inform the House that not twenty-four hours had elapsed after the news of the fall of General Rosas arrived, when a communication was made to the French Government in order that steps might mutually be taken by England and France to secure those great results in which the commercial world was so greatly interested. On the 16th of this month, he hoped the Chevalier St. George and Sir Charles Hotham would proceed to the River Plate as envoys of their respective countries, in two vessels of war, and they would touch at Rio. They were not to make a formal visit to the Court of Brazil, but a visit of friendly communication and explanation. Her Majesty's Government had the greatest confidence in the individual whom they had entrusted with the fulfilment of the duties which would devolve on our envoy. Sir Charles Hotham was acquainted both with the language of the country and with the people against whom he was going; and the Government hoped that through his energy, intelligence, and experience they would be enabled to obtain that free navigation of the River Plate which this country and all the countries of Europe so anxiously desired. It was not the object either of France or of England to obtain particular privileges or advantages—they would negotiate together to secure for all countries the same advantages; and the Government trusted that they would be able to secure those advantages with the cordial co-operation and good will of the Court of Brazil.

VISCOUNT PALMERSTON wished to ask his right hon. Friend whether it was not by an inadvertence that he had spoken of the free navigation of the River Plate, which was an estuary or arm of the sea; whether he did not mean the rivers Parana and Uruguay, and the internal communication generally?

Mr. MILNER GIBSON said, he meant the whole of the navigation connected with the River Plate. He thought the right hon. Gentleman the Chancellor of the Exchequer had not quite answered his question. What he wished to know was, whether the Government intended to take any steps to place our relations with Brazil on a more friendly footing than they had been for some years past? Most angry correspondence had passed between the Brazilian and the English Governments, and he wished to know whether the Government were about to take steps to place us in more friendly relations with Brazil?

The CHANCELLOR of the EXCHEQUER thought, that in stating that Her Majesty's envoy was about to touch at Rio, and to enter into friendly communications with the Court of Brazil, he had given a sufficient answer to the question.

Subject dropped.

PUBLIC BUSINESS.

Lord JOHN RUSSELL begged to ask the right hon. Chancellor of the Exchequer if he would now state the course in which he proposed to proceed with public business after the Easter recess?

The CHANCELLOR of the EXCHEQUER replied, that on Monday, the 19th inst., the right hon. President of the Board of Control would move the appointment of a Select Committee on Indian Affairs. On the 23rd, according to the wish of the House, the Militia Bill would be proceeded with. He would then propose that, with the exception of questions of great urgency, such as the financial statement, or questions of that description, they should proceed with the Militia Bill and with the Estimates. [An Hon. Member: The Miscellaneous Estimates?] Yes, the Miscellaneous Estimates. He anticipated that the discussion on Indian affairs would occupy some time; but he would place such other business on the paper for the 19th as would not require a very full attendance of Members.

BALLAST HEAVERS (PORT OF LONDON).

Mr. G. THOMPSON said, that, in moving for leave to bring in a Bill for establishing an office for the benefit of the ballast heavers of the port of London, he was not asking the House to do anything novel or unprecedented. The case of the ballast heavers was almost identical with that of the coalwhippers, for whom the House had legislated on more than one occasion. The evils which he designed to remedy were very great. The ballast heavers, 400 in number, had at present no freedom of action. They could not obtain work unless they connected themselves with a particular public-house, and, after their work was over, they were obliged to spend a large portion of their earnings under the roof of the man who had the power to employ them, or of keeping them destitute of employment. What he asked for was, to have their case dealt with by this House in the same manner as that of the coalwhippers had been. By this Bill he proposed that there should be established a Registration Office for ballast heavers; that every man who chose should be at liberty, on the payment of a very small fee, or no fee at all, to enter his name; that the names should be taken in rotation; that the masters should offer their own price for the ballast heaving; that the men should have the option of accepting or refusing the price; and that in the event of the men refusing it, the master should have a right to go wherever else he pleased for labourers. The Bill contained no other provisions than those which were in the Coalwhippers' Bill.

Mr. SPEAKER said that, as the matter was one relating to trade, it was necessary for the hon. Member first to move that the House should go into Committee.

Mr. G. THOMPSON then moved that the House do go into Committee.

Resolved—

> "That this House will immediately resolve itself into a Committee, to consider the expediency of establishing an Office for the benefit of the Ballast Heavers of the Port of London."

Mr. HENLEY said, he did not rise to offer any opposition to the first step being taken in reference to this matter. All the statements made by the hon. Member with regard to the unfortunate position of these men, were perfectly well founded. It could not be doubted that various parties made a considerable profit by letting out the labour of the ballast heavers. While he admitted that grievance to its full extent, he must not conceal from the House the fact that this Bill would create another monopoly. It was nothing better than a monopoly to compel the employers of labour to go to a certain place to procure it, and if unable to procure it there, to wait a certain period before attempting to procure it elsewhere. It was not very long since several cases of a very unpleasant nature had been heard before the police magistrates of the city arising out of similar provisions contained in the Coalwhippers' Act. The class of persons now about to be legislated for was not very numerous—not more than 500 in number; but he felt a strong conviction that the powers intended to be created for their advantage by this Bill, would tend to greater evils than those which it was desired to abolish. While assenting to the introduction of the Bill, he could not promise his support on the other stages.

Mr. LABOUCHERE said, he quite agreed with the right hon. Gentleman the President of the Board of Trade, that that House ought to look with great jealousy and caution at measures of this description, which were undoubtedly founded, in many respects, on a dangerous principle. At the same time he could not but recollect the working of a measure which bore a strong analogy to the present, namely, that relating to the coalwhippers. He had been originally strongly opposed to that Bill, of which he feared that the consequences would sooner or later show themselves; but he must confess that the working of that Bill had convinced him that the good in a great degree preponderated over the evil. Besides, it ought rather to be considered in the light of a police measure than as a Bill of Trade. He thought that the ballast heavers had established a *primâ facie* case as strong as that of the coalwhippers, and that they were more oppressed by the truck system than the coalwhippers had been; but he had already expressed to them his opinion that Parliament would never pass a Bill of this nature without a previous inquiry being made by a Select Committee. An inquiry of this nature might still be made during the present Session of Parliament.

Mr. HUME said, that this was a large and important question, and that the House ought to consider whether the present was not the time for inquiry into the whole of the laws and customs relating to the port of London. Ballast had been guaranteed as a monopoly to the Trinity-house by an Act of Henry VIII., and the profit annually received from this source was between 4,000*l.* and 5,000*l.* He would suggest that a Committee should be appointed to inquire into the manner in which the port of London was carried on, with the view of relieving the colliers, which were at present almost the only vessels that took in ballast, from these charges. He hoped there would be a Committee to inquire into the mode in which ships were ballasted in the River Thames; for if that were done he was sure the result would be to afford to the whole shipping interest of the port of London a relief that was now much wanted.

Mr. BERNAL OSBORNE said, he knew the case of the ballast heavers to be one that required a strict inquiry by that House. Their case was simply this—the men were in the hands of twenty-nine middlemen, twenty-seven of whom were keepers of public-houses; and the consequence was that the men could never get any employment unless they agreed to take their victuals, their beer, and their spirits, from the shops of these middlemen. He could not conceive a grosser case, or one more demanding an inquiry than that; and he hoped the right hon. Gentleman (Mr. Henley) would take up the question, for he was sure it would be the means of improving the morality and the contentment of a humble but industrious class. He hoped, therefore, that the hon. Member (Mr. G. Thompson) would not proceed with his Bill at present, but that he would accede to the suggestion that had been made to have a Select Committee to investigate the subject.

Mr. WAKLEY said, he was glad the right hon. Gentleman the President of the Board of Trade had not opposed the introduction of this Bill. He hoped the Government would also consider the propriety of establishing a labour registry office for the benefit of the working classes of this country generally. Let the House not be alarmed—he was not proposing workshops to be placed under the surveillance of the Government. He knew that would be monstrous, and opposed to common sense, and would be highly injurious to the working classes themselves. But what he meant was, that means might be provided by which those who had labour to sell might have an opportunity of disposing of it to better advantage than they now could do. The vendors of corn, coal, cotton, or any other article, had all the means of acquiring the best information as to when and where they could find the best market for their commodities; but the poor man out of employment could not afford to travel, and could not learn where the best market was for his commodity, his labour. Now, the machinery of a registry that would supply this desideratum already existed in the Unions, Union-offices, and the offices for the registration of births, deaths, and marriages scattered throughout the country. Now, instead of an office merely for ballast heavers, if the Government would establish an office connected with all the districts and Unions of the country, whence information might be furnished to a central office in the metropolis as to where labourers could be had, and where employment could be obtained, so that the operative and the capitalist might be brought together—if the Government would adopt that course, he believed they would be conferring enormous and indescribable benefit upon the working classes, and at a cost perfectly insignificant compared with the advantages it would afford. He did not expect this suggestion to be embodied in the present Bill, but he threw it out in the hope that the Government would give it a favourable consideration.

Mr. MACGREGOR said, he did not think that any Bill like the present could meet the necessities of the case of the ballast heavers, unless a further inquiry was instituted previous to its introduction to that House.

Sir HENRY WILLOUGHBY believed it might be perfectly practicable to organise a system of registry for labourers somewhat in the manner pointed out by the hon. Member for Finsbury (Mr. Wakley), and he thought it would afford great and permanent advantages to the working classes, at a cost hardly worthy of consideration.

Sir WILLIAM CLAY said, that notwithstanding all the care that had been bestowed on the Coalwhippers' Bill, there had been very considerable difficulties attending its working; still it had been clearly established before the Committee which considered that measure, that it had secured great benefits to the working classes, and had raised their character in general estimation. He thought, therefore, that a similar Bill might be passed with advantage for the protection of the ballast-heavers; and as the hon. Gentleman had taken the trouble of preparing this Bill, he hoped the House would allow it to obtain a second reading, and then send it before a Select Committee.

Mr. GLADSTONE said, he was anxious to say a few words, both as to the course which the House ought to take with regard to the present Motion, and likewise with regard to that other and kindred measure which had been alluded to in the course of that discussion—he meant the Coalwhippers' Bill. He was glad to see hon. Gentlemen, representing all shades of opinion on the general question of free trade, approaching the consideration of this subject, in a calm and dispassionate spirit, and fairly disposed to allow that a choice had to be made between the difficulties on the one hand, and those on the other; and he thought that, to whichever alternative hon. Gentlemen on either side might incline, there was no inclination shown to underrate the objections or the arguments which might be urged in defence of a contrary opinion to their own. There was great difficulty, no doubt, in any course that the House might take in this case. When he himself proposed a Bill to establish a register office for the coalwhippers, he was not at all insensible to the objections raised by the right hon. Gentleman (Mr. Labouchere) to the passing of such a measure; and he always regarded them as being of a most serious and formidable character. At the same time he was convinced from the evidence which came before him, that a large class of men were sunk and absorbed in the deepest degradation, and that it was within the power of Parliament, although at the expense of some economical inconvenience, to apply an effectual remedy to so enormous an evil. He did not, therefore, hesitate, nor did the House hesitate, perfectly alive as they were to those evils and objections, to allow the measure to pass into law. When that Act was passed, he had the strongest conviction that its good working would not depend upon the wisdom of the precautions or restraints contained in the Act itself, but upon the prudent, wise, and considerate conduct of the men themselves who were the subjects of the Act. He had ventured always to hold that language to the men; and if that Act had succeeded up to the present moment, he was bound to say that the credit of that success was not due to the framers of that Act, but to the class for whose benefit it was passed. In consequence of the generally admirable and exemplary conduct of the men, and the temperate and judicious use they had made of an Act investing them with such powers as he must confess had been placed in their hands, the measure had on the one hand completely effected its moral and social objects, and he believed on the other hand it had given general contentment—certainly it had not caused any wide-spread dissatisfaction—among the mercantile classes of the port of London immediately connected with the coal trade. And he confessed it was with much grief and some apprehension that he had lately read in the public journals that not only had difficulties arisen with respect to the interpretation of the Act, but that there had also been something in the nature of a strike on the part of the coalwhippers, and an attempt to extort higher wages than the state of the market would justify by means of creating a partial monopoly, or at least by imposing a restraint upon the trade contrary to the Act. As he had always entertained hopes of the success of the Act, through the good conduct of the men, so he also thought it fair to say that, if they sought to make an undue use of the Act, he feared not that they would secure a permanent rise of wages by means of their Act, but that the whole trade would combine to offer such a resistance to it that it must give way under the restraint of such an unwise and injudicious exercise of those powers; and that House would be called upon to repeal such an Act, and would be constrained, however reluctantly, to respond to that call. While he stated that by way of a warning to the men, he ventured to say that his belief was that that time had not arrived—that there was no call upon the House for the repeal of the measure it had so beneficially passed; and if the men persevered in the moderate conduct which, on the whole, they had persevered in in an eminent degree, they would be maintained by that House in the improved social condition in which the Act, under the blessing of Providence, had been the means of placing them. When he acknowledged that, he thought the House ought to exercise great caution in enlarging this category of exceptions; because if they proceeded to multiply exceptions to the ordinary course of trade, except upon the broadest of grounds, there would be no end to the demands that would be made for their interposition; and however seductive in some respects the path they might be called on to enter, he was quite satisfied, if this kind of interposition became a frequent practice on the part of Parliament, or if it were adopted, except in the gravest and most extreme cases, that they would end by creating evils at least far more extensive than any they would remedy. Now, admitting that, and adverting to the fact that this Bill was not introduced on the authority of the Executive Government, which of course must be a higher authority than any individual Member who proposed a measure dealing with the social condition of the people, he thought it only reasonable that the Bill should go before a Select Committee. And now came the practical question — whether the Select Committee should come first, and the Bill afterwards, or the Bill first, and the Select Committee afterwards. Now, he thought this was a case which ought not to be met with delay; they ought either to do something promptly in this matter, or to make up their minds to do nothing. It would be no mercy at all to the men, to be holding out to them delusive hopes of passing the Bill this Session, and then to have to postpone its passing till the next Session. Time, therefore, was of the utmost importance in such a case. Well, then, would they gain time by taking the Bill first, or the Select Committee? He thought the hon. Member (Mr. G. Thompson) would gain time, if, in lieu of the Motion he had made, he requested leave to make a Motion for a Select Committee on this subject; otherwise the House would be asked to consent to the principle, not on their knowledge and cognisance of the facts, but upon trust, and in all probability there would be a very formidable opposition to the second reading, which would most likely be avoided if they had a Select Committee. If they had an inquiry before a Select Committee, and it were conducted as he had not the slightest doubt it would be, not for prolonging the case, but to arrive at a speedy issue, that inquiry of a Committee, the hon. Gentleman might depend upon it, would be of very great use to him in determining the provisions of the Bill. And it was far more important to have the recommendations of a Committee, and a Bill drawn up in conformity with them, than for the Bill to be read a second time, and then, perhaps, have the Report of the Committee varying in essential particulars from the Bill. For these reasons—of a practical nature—and for the sake of the object which they must have at heart, namely, to bring the matter to a speedy issue, he would recommend the hon. Gentleman to withdraw his Bill, and to submit a Motion for a Select Committee to inquire how the business of ballast heaving is conducted in the port of London, and to report to the House the mode in which that subject might be dealt with.

MR. W. WILLIAMS said, he should support the original Motion, and could see no objection to the Bill being read a second time, and then sent to a Committee. The labour of ballast heaving was of the very lowest class, and there could be no fear of a monopoly among the men, because there was so much competition for the work.

LORD JOHN MANNERS said, he could not agree with the advice which the right hon. Gentleman (Mr. Gladstone) had given to the hon. Gentleman who was in charge of this Bill. The measure involved no new principle; and as the Government had given its sanction to the introduction of the Bill, and was willing to give its assent to the second reading, on the understanding that it should be referred to a Select Committee, where there no doubt would be a critical and searching inquiry, he hoped the hon. Member would persevere in his Motion for leave to bring in the Bill, and fix the second reading for as early a day as possible.

House in Committee.

MR. G. THOMPSON moved a Resolution to the effect that Leave be given to introduce the Bill.

MR. HUME said, he could not agree to the narrow object of the hon. Member's Resolution. He would prefer to have the whole question of ballast heaving investigated by a Select Committee.

MR. LABOUCHERE hoped the hon. Member for the Tower Hamlets (Mr. G. Thompson) would not follow the advice of the hon. Member for Montrose (Mr. Hume). The entire subject of ballast heaving was a most complicated question, and there could be little hope of bringing it to a speedy solution.

MR. GLADSTONE trusted the Resolution would be allowed to pass as it stood. When he made the suggestion he had done to the hon. Member for the Tower Hamlets, he had done so in the belief that the Government might not readily accede to the second reading. That was his impression from the speech of the right hon. President of the Board of Trade; but the noble Lord the Member for Colchester (Lord J. Manners) declared that the Government were prepared to assent to the second reading. He (Mr. Gladstone) did not think the House ought to proceed to the second reading of Bills of this nature until the Executive Government took them up on their own responsibility. When he had proposed the Coalwhippers' Bill, he did so on the responsibility of the Executive, and although he went into Committee on the Bill, it was not a Committee to take evidence.

MR. HENLEY said, that not having seen the Bill itself, he could not pledge himself to its particular provisions. He, however, thought the inquiry before a Select Committee would not be a long one.

MR. LABOUCHERE said, the Committee was placed in a difficulty by the dissimilar statements of two Members of the Government. He understood the noble Lord (Lord J. Manners) to agree to the second reading; but the right hon. Gentleman (Mr. Henley), with great prudence, he thought, said he would not be able to support the second reading until he saw the provisions of the Bill. He (Mr. Labouchere) concurred with the remarks of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), as to the policy of measures of this nature being introduced by an individual Member of the House. Before the Committee was called upon to assent to a Motion based on an exceptional principle, he considered there ought to be an inquiry. At the same time, if the Members of the Government said they would support the Bill, he should acquiesce in the Motion.

The CHANCELLOR OF THE EXCHEQUER said, that when his right hon. Friend the President of the Board of Trade said that he could not consent to the second reading of this Bill, the proposal that it should be referred to a Select Committee had not been made. As his noble Friend (Lord J. Manners) had stated, the Government were prepared to accede to the introduction of the Bill, provided it was afterwards referred to a Select Committee.

MR. G. THOMPSON said, that if the Committee would assent to the introduction of the Bill, he would, early after the holidays, and before the second reading of the Bill, move the appointment of a Select Committee, whose Report, he hoped, might be presented to the House before the second reading of the Bill, as he thought it would not be necessary for them to sit long or to take much evidence.

Resolved—

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill for establishing an Office for the Benefit of the Ballast Heavers of the Port of London."

COUNTY COURTS FURTHER EXTENSION BILL.

Order for Committee read.

House in Committee.

Clause 1.

The ATTORNEY GENERAL would suggest to the hon. Member (Capt. Fitzroy) who had charge of this Bill the propriety of only going into Committee upon it *pro formâ*. Two-thirds of the Bill related to the appointment of the County Courts Judges as Masters of the Court of Chancery, to the powers with which they were to be invested, and to the provisions for carrying out their jurisdiction. Now, it was perfectly well known the Commissioners who had sat upon the Court of Chancery had reported in favour of reforming that Court by abolishing the Masters altogether; and as a Bill founded on that Report was to be introduced, it would be better to postpone the consideration of the measure now before the Committee.

Sir ALEXANDER COCKBURN said, that he should quite concur in the suggestion of the hon. and learned Attorney General if they had any definite expectation of the Chancery Reform Bill coming before Parliament, and being passed during the present Session; and he would therefore take the liberty of asking his hon. and learned Friend what prospect there was of obtaining that great desideratum, a reform in the Court of Chancery during the present Session? If there was any chance of the Chancery Reform Bill being introduced immediately after the holidays, he thought it would be better to postpone the present Bill, the machinery of which must necessarily be altered if the Chancery Reform Bill were passed. But if that Bill were not likely to be passed during the present Session, he hoped that his hon. Friend (Capt. Fitzroy) who had charge of the present Bill, would not consent to postpone it.

The ATTORNEY GENERAL said, that he could not give a very distinct answer to the question of his hon. and learned Friend under the peculiar circumstances in which the Government were placed. But he had no doubt whatever that if an opportunity were afforded to them, they would be able to introduce the Bill for the reform of the Court of Chancery during the present Session.

Mr. WAKLEY said, the curious point in the whole matter was, that both Bills had originated, or were to originate, in the House of Lords. Now, although the two Bills no doubt had originated with different parties, still the Members of the Government had probably been consulted upon the present Bill, and he thought it was rather extraordinary that after allowing it to pass through the House of Lords, and to proceed in that House up to the present stage, they should then oppose it.

Captain FITZROY said, that the circumstances under which he had brought in the Bill, would, he thought, justify him in refusing to accede to the suggestion of the hon. and learned Attorney General. The right hon. Chancellor of the Exchequer had, upon the second reading of the Bill, distinctly stated that the Government did not mean to oppose it; and now the hon. and learned Attorney General coolly proposed that it should be postponed for some indefinite period, on the contingency that some day or other it might please the Government, if their term of office were prolonged, to introduce a Chancery Reform Bill. That seemed to him one of the most monstrous propositions that could be made to the House. It was the general opinion out of doors that the Chancery Reform Bill, upon which the Government plumed themselves, was brought forward to enable the Government to stop private measures for the reform of the law, that they might be able to say, "We have large measures in contemplation—by no means interfere with us." This Bill had gone through both Houses last Session, and had only been lost eventually in the House of Lords on account of the late period of the Session at which it went back to that House. Two or three clauses which were in the Bill when originally introduced in the House of Lords last year, but which were omitted in its progress through Parliament, had indeed been again inadvertently inserted, but he intended to propose their omission. He thought that by pressing this Bill he should be doing his duty, by carrying out a real Chancery reform, and if before it was passed the other Chancery Reform Bill was introduced, and its propositions were found to be antagonistic to those of the present Bill, it would then be time enough to withdraw it. The purposes of its proposers would then be obtained, for he had always stated that, although there were no doubt some advantages attendant on a system of local courts, yet that he should prefer a thorough reform in the Superior Courts. Unless he heard some better reasons for delay than had yet been given, he should persist in going on with the Bill.

Mr. JOHN STUART said, he concurred with the hon. Member for Finsbury (Mr. Wakley) in thinking that the Bill came before them in a singular way, and he thought it seemed more extraordinary than ever, after the statement of the hon. Member for Lewes (Captain Fitzroy), for it seemed that it was intended that the Bill should be materially altered in Committee. It appeared from the Votes of the House of Lords that a Bill called the County Courts Further Extension Bill No. 2, had been introduced into that House on the previous evening, or on Friday evening; and as the Government intended to introduce a Bill, founded upon the Report of the Chancery Reform Commissioners, to abolish the very jurisdiction which the Bill before the Committee proposed to confer, he thought that it would surely be reasonable to allow these two Bills to overtake the present measure, so that they might consider them together. He did not see for what useful purpose they could sit there as a legislative body if they acted in the way in which it was now proposed, and proceeded with this Bill. From a sense of the respect due to the position of their own proceedings before the public, let the Committee proceed calmly and deliberately first to consider whether the jurisdiction of these Courts should be extended, and, if so, how that extension should be carried out.

Sir GEORGE STRICKLAND hoped that the hon. Member for Lewes (Captain Fitzroy) would not be persuaded to postpone the consideration of the Bill. It was asked, why proceed with this Bill when a reform in the Court of Chancery is promised? But he had the most distinct recollection that for the last forty or fifty years a reform in the Court of Chancery had been solemnly promised either by the Government of the day or by private Members of that House, and yet not a single step had yet been taken to accomplish that most desirable object. This, which would be a very useful one, was an attempt to get that done by the County Court Judges which the Masters in Chancery now professed, but did not do. If a suit now got into the Masters' offices it stayed there for years, without the Masters doing anything, all that was done being that the Master's clerk signed hour warrants, putting off the business from one time to another till the unfortunate suitor was worn out. The Bill gave these Judges power to inquire into matters of account which never could be done in the Masters' offices, but which there was some hope might be done in a rational manner by a *vivâ voce* examination. By the proposed Chancery Reform Bill founded on the Report of the Chancery Reform Commissioners, the Masters' offices would only be abolished in name, for the same work which their clerks had been in the habit of doing would in future be done by a clerk to the Lord Chancellor. He believed that that Bill would only substitute another set of unintelligible technicalities for those which existed at present, which constituted a total denial of justice, and which the country wished to see entirely swept away. As, however, there was no chance of getting such a reform in the Court of Chancery as he thought was desirable, he hoped the hon. Member would press this Bill, which would effect a real reform as far as it went.

Lord ROBERT GROSVENOR said, that this Bill was a fac-simile of that which had last year passed both Houses of the Legislature, and it was not, therefore, necessary to discuss the question whether the County Courts should be extended, as the hon. and learned Member for Newark (Mr. J. Stuart) had proposed. That question had already been discussed and decided, and he hoped, therefore, that the Committee would allow this measure to proceed.

Mr. MULLINGS said, the Bill, in its present form, was a complete mass of confusion. First came some clauses about Chancery, then some about County Courts, and then it jumped back again into Chancery. It would be practically useless to proceed with the Bill at present. It gave power to the Lord Chancellor and Lords Justices to frame certain rules; and this was the foundation of the measure. But if the Lord Chancellor and Lords Justices thought the measure not capable of being worked, by reason of a contemplated general measure of Chancery reform, of course they would not make these rules. He recommended that the Bill be reprinted with the Amendments.

Sir ALEXANDER COCKBURN said, he concurred in the course which had just been suggested by the hon. Member for Cirencester (Mr. Mullings). It seemed clear that there was now, or would be shortly, before the House of Lords a Bill for the complete alteration of the present system of the Court of Chancery, and for the abolition of the Masters' offices. Now as this Bill proceeded on the principle of referring to the County Courts all work done by the Masters in Chancery, it was clear that if the Parliament adopted the proposals of the Chancery Reform Commissioners, it would be absolutely necessary, if this Bill passed, to alter its machinery in order to adapt it to that of the larger measure. He thought it would, therefore, be expedient to allow the Chairman to report progress, and to keep this Bill in reserve, ready to pass it (having reprinted it with such verbal amendments as were necessary) if Parliament did not adopt the Bill for the reform of the Court of Chancery. If that Bill should be adopted, then his hon. Friend the Member for Lewes (Captain Fitzroy) would pass so much of the present measure as still remained necessary, striking out so much as the other Bill superseded.

Mr. VERNON SMITH said, that the Bill for the reform of the Court of Chancery had not yet been introduced, and as they did not even know whether it was the intention of the Government to introduce it, and press it through all its stages in the present Session, he thought it was very unreasonable to propose that this Bill should be delayed until the other Bill came down from the House of Lords. He would therefore recommend the hon. Member for Lewes to adopt the suggestion of the hon. Member for Cirencester (Mr. Mullings), but by no means to hang up this Bill in order to wait for the other.

Captain FITZROY said, that he would accede to the suggestion of the hon. Gentleman opposite (Mr. Mullings), that the Chairman should report progress, for the purpose of reprinting the Bill; but he should certainly fix a day for proceeding with the Committee, unless sufficient reason could be shown for any further postponement. He thought that if the objection of the hon. and learned Attorney General was good for anything, it was fatal to the principle of the Bill, and might just as well have been urged against the second reading.

House resumed; Bill *reported*; to be *printed* as amended.

SUITORS IN CHANCERY RELIEF BILL.

Order for Committee read.

House in Committee.

Clause 1.

Sir HENRY WILLOUGHBY said, this measure was called the Suitors in Chancery Relief Bill, but he did not think the suitors in Chancery would get much relief by it. However, as the Bill was before the Committee, he would try to make something out of it. It was supposed that a number of persons who had been paid by fees should in future be paid by salaries. They should take care that they gave salaries of a specific amount, and that they did not give salaries calculated on an average amount of fees for three years, of which they knew nothing. If they did not use proper caution, the same thing might occur as had formerly occurred in the case of the Six Clerks. He proposed as an Amendment to the clause on this subject, that those parties should be paid by salaries according to an amount to be fixed in a schedule annexed to the Act.

Mr. MULLINGS said, he agreed in the principle that had been suggested by his hon. Friend; but he must go further than that. He knew the complaints that were made with respect to the payments that were made to certain individuals who had been officers of the Court of Chancery (Six Clerks), some of whom were receiving 7,000*l.* a year; and it might be deemed desirable if in the present case the names of the parties could be inserted, with the salaries affixed to each of them.

Notice taken that forty Members were not present, Committee counted; and forty Members not being present, Mr. Speaker resumed the Chair; House counted; and forty Members not being present,

The House was adjourned at a quarter before Eight o'clock, till Monday 19th April.

HOUSE OF LORDS,

Monday, April 19, 1852.

Minutes.] Public Bills.—1ª Master in Chancery Abolition.

Reported.—Bishoprick of Quebec.

3ª Mutiny; Marine Mutiny.

MASTER IN CHANCERY ABOLITION BILL.

The LORD CHANCELLOR: I rise, my Lords, to lay on the table of the House a Bill to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court. My Lords, after the statement which I made on a former occasion, it will not be necessary for me to detain your Lordships at any length in stating what are the provisions of the present Bill. They have been very anxiously considered; and I have had the great advantage of consulting with the four Judges in Equity, the Master of the Rolls, and the three Vice-Chancellors, in preparing it: these are the Judges by whom its provisions will be worked, and upon whose exertions it will mainly depend whether the plan will be successful or not. I am sure it must be a great satisfaction to your Lordships to know that it would be quite impossible to find four persons more learned, more able, and more willing to grapple with the difficulties which they will have to encounter; and with such assistance, I hope to put this new scheme completely and well before the public. There are now nine Masters in Chancery—one office being vacant. The Bill proposes, in order to bring the new scheme into execution as quickly as may be, but still with a careful view to the public interest, and as the commencement of its operation, which is fixed for the first day of Michaelmas term, this year, to abolish the office of four of the Masters. It is proposed that the four senior Masters shall then be released from the duties of their office, leaving five Masters to the duties which will still devolve upon them. These duties will be, winding up all matters which shall then be before them, and such other matters as, until the new scheme shall be in perfect operation, the Lord Chancellor may think proper to devolve on them. They will also have, from the moment that the Bill passes, powers which they never before possessed. It has always been a complaint, and a very just complaint—and the reason why the Masters have themselves been visited with the consequences of the delays which have taken place in their offices—that they have no power to compel suitors to proceed with the matters which had been brought before them. However anxious they might be to wind up a matter, they were utterly powerless to compel parties who were not diligent to proceed. I propose to supply by this Bill the want of that power; and at once to invest the Masters, subject to an appeal to the Court, with power to compel the parties who have matters depending in the Masters' Offices to go in and to wind them up, and thus entirely to discharge the Court from any further interference with them. I believe this will be found to be a very considerable step towards remedying the delays and abuses of which so much complaint has been made. I am disposed to give the same power to the Court of Chancery itself—that is, in future, to compel parties before the Court to proceed with their cases, and not to permit them to wait from year to year, and for many years. I have tried already the efficacy of such a system when I presided in the Court of Chancery in Ireland, by orders which I had power to make, and by which I compelled parties who had cases standing over for twenty, thirty, or even forty years, to bring them on within a given time; and I have the satisfaction of knowing that before I left that country every single old case was finally disposed of. Under the existing system in this country, the Court of Chancery is stigmatised as creating delays which it cannot prevent, and which it is most anxious to avoid. I have already stated that the present scheme at once dismisses the four senior Masters. I have taken great care in framing the Bill, that there shall be no favouritism in the dismissal of the Masters. They are to be dismissed according to their seniority, and in accordance with what is considered the general opinion, they are to have the whole of their salaries when so dismissed. The remaining five Masters will continue to carry on the business of the Court under the new powers proposed to be given, until all matters in their offices are wound up. The new scheme, as your Lordships are aware, is this: That the four Judges in Equity, namely, the Master of the Rolls, and the three Vice-Chancellors, shall have under them each a chief clerk, and each chief clerk a second clerk under him. They are to carry on in chambers the whole of the business of their respective Courts hitherto transacted by the Masters. There are to be no references to any other officer not attached to them. There are to be no References to the Master, which create great expense. There are to be no Reports from the Master, which also create great expense. There are to be no States of Facts, which necessarily create great expense. All these matters of form are to be entirely abolished, and the Judge himself, with the assistance of his chief clerk and his second clerk, is to transact in chambers so much of the business before him as may not be proper to be heard by himself in public. The effect will be, that the Judge will go to chambers at whatever hour he may think necessary, or for the whole day, if he thinks it expedient, and he will there confer with his own officer, and consider with him the different points on which it may be necessary to make inquiry. If it is necessary that there should be a report to proceed upon (sometimes that must happen), the Judge will have the power to draw it up in his own chambers, or to send for his registrar, who would do so; and thus there would be a *constat* on which the Judge might afterwards proceed. This Bill also defines the powers, without restricting them, which the Judges are to have in chambers, and those which are to be exercised by them in Court. I must say it has always appeared to me, if any new scheme of this kind is to have a fair chance, you must condescend to work it out yourselves, and see how it is likely to work under the separate clauses which have been prepared; and not merely to issue General Orders for regulating the details of procedure—a course which I do not think the proper means to bring any such new scheme to a fair test. When the Judge gets into his chambers, the chief clerk and the clerk under him will give him their assistance. I have thought it right that each Judge should have the appointment of his own chief clerk, so that he should have a person of whom he himself approved to conduct his business; and upon a like principle I have given the appointment of the second clerk to the chief clerk. In that way, I hope there will be a strong feeling amongst the parties, which will enable them to execute the duties imposed on them in a manner satisfactory to themselves and the public. It will, of course, be necessary, when the Bill comes into operation, that there should be some place provided where the four Judges can have, without delay, the benefit of the assistance of their clerks. I am most anxious that the measure should not be delayed until such places can be erected; and I therefore propose that the Master of the Rolls shall accommodate his chief clerk and the other clerk at the Rolls Office, and that the three Vice-Chancellors shall each have a set of commodious chambers furnished for them in Lincoln's Inn, in which they can carry on their business until the country makes further provision for them. Ultimately, the Masters' Offices will be altogether relieved from their present uses; and as the building which they now occupy belongs to the Crown, I propose that, with the consent of the Crown, that property shall be sold, and the money which will be produced, I believe, will be sufficient for the erection of commodious Courts for the three Vice-Chancellors, with rooms annexed in which their officers can be accommodated. I make a great point of this. I am most anxious that the new clerks shall not find their way to Southampton Buildings. I feel satisfied that at such a distance from the Judges, and from old associations, and from the class of persons they will be likely to meet there, they will act as if they were Masters and not clerks; and I am afraid that the scheme would never answer. I am, therefore, anxious to find other and more convenient means for the temporary accommodation of these Judges and their officers. It would be idle to go into further details, after the statement which I made on a former occasion. But I may as well state that, as the law now stands, there is no power in case one of the Vice-Chancellors should cease to occupy his office — there is no power in the Crown to appoint a new Vice-Chancellor. I propose that, by this Bill, there should be a power given to the Crown, if it thinks fit, to appoint a successor from time to time to any Vice-Chancellor vacating his office, for I am of opinion that the plan I now propose cannot be worked out with less than the present judicial staff of the Court of Chancery; but I hope the scheme will be enabled to work without the appointment of other and additional Judges. Nothing can work better than the Court is now working with the two Lords Justices—one of whom (Lord Cranworth) sits near me, with the Master of the Rolls, and the three Vice-Chancellors. I must, therefore, confess that I should be very sorry to see any addition made to the number of the Judges. I am ready to admit that there may be this inconvenience in the new scheme: When at Common Law one of the five Judges of each Court leaves to attend at chambers, there is still a full Court remaining; but in the Court of Chancery, when a single Judge breaks off his sitting, either in the middle of the day or for the whole day, as it may be found necessary, his Court will be wholly closed, and during the time that he is sitting at chambers, the public business of his Court cannot be carried on. This inconvenience may be experienced at first; but I hope that the facility, the cheapness, the speed, and the ease to the suitor and to the Judge with which the business will be carried on, will more than compensate for this disadvantage. Whilst on the subject of the reform of the Court of Chancery, I must say a word with respect to the manner in which independent measures of law reform are constantly brought forward by noble and learned Lords who take an interest in the subject. I regret that my noble and learned Friend (Lord Brougham), to whom the country is indebted for very material and important measures of reform, is not in his place; but my noble and learned Friend has introduced in the present Session a Bill for the extension of the jurisdiction of the County Courts; and that Bill I found nearly ready to leave this House when I took my seat here. I had no time to look into it, and the Bill passed and went to the other House, where it now is. I am now perfectly convinced that it will interfere with the regulations contained in the present Bill; and I believe that it will be impossible to pass that Bill without seeing how far it would square and dovetail with the provisions of this Bill. As there is no man in the country more anxious than my noble and and learned Friend now absent that this Bill for the abolition of the Masters' Offices should pass, he will, I am sure, be the first to agree that the Bill I have referred to should wait until this Bill has been passed, until it can be seen how much of that Bill can be with propriety passed, so as to be an assistance and not an hindrance or obstacle in the way of the working of this Bill. This measure relates wholly to the abolition of the Masters' Offices, and the commission of their duties, to the Judges of the Court of Chancery; but there is still a very important portion of the Report of the Commissioners to be carried into execution—that which relates to procedure and practice of the Court of Chancery—that practice, I mean, which is the very essence of all procedure. The recommendations of that part of their Report will shorten and cheapen proceedings in Chancery. A Bill to carry out those recommendations is now in progress of preparation, and I hope in the course of about three weeks, with the assistance of my noble and learned Friend near me—(Lord Cranworth), and the other Judges of the Courts of Equity, which I know I shall have—that I shall be able to lay on the table of this House a measure which, with the Bill now before your Lordships, will carry into execution all the propositions which have been made by the Commissioners for the reform of the Court of Chancery. I will not detain your Lordships further by going through the clauses of the present measure in detail; but I am sure that you will agree with me that, as far as these legal measures go, no time has been lost in preparing them, and that as far as the general question of law reform extends, the assurance given by the noble Earl (the Earl of Derby) that no delay should be suffered to take place in submitting to the consideration of Parliament those measures which he deemed to be of utility and public interest, has not been lost sight of by Her Majesty's Government; and, for the purpose of redeeming to some extent that assurance, I am happy to have the opportunity of laying this Bill on the table of your Lordships' House.

Lord CRANWORTH said, the question of remodelling the whole principle and practice of the Court of Chancery was of extreme importance, and it was impossible at the present moment to express any opinion on the measure intended to be introduced; but he was anxious not to lose the opportunity of expressing his entire concurrence in the mode in which his noble and learned Friend proposed to carry into effect the recommendation of the Commissioners as to the abolition of the Masters' Offices. He believed the great abuses in the Masters' Offices had arisen from the circumstance of their being too much of an independent tribunal, and not under the immediate daily or weekly supervision of the heads of the Court; and from the statement of his noble and learned Friend, he understood it was the object of his Bill to correct that abuse, by giving an efficient control over those who were henceforth to exercise the duties which up to this time had been performed by the Masters. In stating that he considered the Masters' Offices too much of an independent tribunal, he wished to speak with the most perfect respect of the gentlemen who had filled the office of Masters, many of whom were distinguished lawyers; but it was in the nature of things that those who had been meant only as auxiliaries should have come to form what too much resembled independent tribunals. He did not wish to see any increase in the number of Chancery Judges; for that increase would lead to an inconvenient multiplication, and perhaps even to a diversity of decisions. The way in which his noble and learned Friend proposed to abolish the offices of the Masters, was in his opinion the best that could be devised.

Lord CAMPBELL, having paid much consideration to the subject, conceived this Bill to be well worth the consideration of their Lordships; he therefore rejoiced that it had been brought in under such high auspices as those of his noble and learned Friend on the woolsack. These Masters had drawn down upon the Court of

Chancery all the obloquy which now rested on it. Whatever assistance might be given to the Lord Chancellor by the Master of the Rolls and the Vice-Chancellors, so surely as a Bill in Chancery got into the Master's Office did it sleep on from year to year, or rather from generation to generation. All attempts to reform these offices had hitherto been ineffectual; and nothing remained but the course which had now been taken by his noble and learned Friend. He would not enter into the question of the fusion of law and equity which had lately been much discussed; but he would lay down this principle, that one Court should decide a cause from its beginning to its end, and that the suitors should not be sent from one court to another, almost at the caprice of the Judges. When an action had been commenced in a Court of Common Law, what could be the necessity of resorting to a Court of Equity? Why should not the Court of Common Law do complete justice between the parties? He thought that the Courts of Common Law should be empowered to grant injunctions especially in cases of copyright, infringement of patents, and nuisances, when the case had once been established by the verdict of a jury. In a recent case, tried at the Surrey Assizes, a verdict was obtained against a Roman Catholic establishment for ringing bells. As soon as the verdict was obtained, the ringing began again, and an application was obliged to be made to the Court of Chancery to stop the nuisance. He (Lord Campbell) should have thought that the Court of Common Law, on the production of the judgment in such a case, should at once have the power of granting an injunction to prevent the repetition of such a nuisance. So, too, in cases where a copyright was once established, the Courts of Common Law should have at once the power of issuing an injunction to prevent all future violation of it. He would merely add that he hoped that the present measure would be successful under the auspices of his noble and learned Friend.

The LORD CHANCELLOR said, that he would not enter into the large question which had just been opened by his noble and learned Friend the Lord Chief Justice. He would, however, take the liberty of stating that the second Bill which he proposed to introduce for the improvement of the proceedings in the Court of Chancery, would, in a great measure, prevent the necessity of sending cases from the Courts of Common Law to the Courts of Equity. He proposed to introduce a clause for that purpose; and if, for instance, in an action of ejectment, the Common Law Judge should think that the estate was an equitable one, in which case he could not decide it, then he proposed to remedy that defect by giving the Common Law Judge the right to send a case to the Court of Equity to ask whether there was such an equitable estate as ought to be clothed with the legal estate. This would simply cost nothing, and would be done expeditiously. As to the power of granting a perpetual injunction, that was so much a creature of equity, and so much affected in its use by surrounding circumstances, that he was afraid to say it would be practicable to transfer it to a Court of Law.

Bill read 1^a.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 19, 1852.

Minutes.] New Writs.—For Suffolk (Eastern Division, *v.* Lord Rendlesham, deceased; for Tavistock, *v.* John Salusbury Trelawny, Esq., Manor of Hempholme.

Public Bills. — 1° Ballast Heavers (Port of London); Loan Societies; Stock in Trade.

2° Turnpike Roads (Ireland); Secretary of Bankrupts Office Abolition; Poor Law Board Continuance.

3° Law of Evidence (Scotland); Grand Juries (Metropolitan District).

EAST INDIA COMPANY'S CHARTER.

Mr. HERRIES rose to ask the permission of the House to move for the appointment of a Select Committee to inquire into the operation of the Act 3 & 4 William IV., c. 85, for effecting a new arrangement with the East India Company, and to provide for the better Government of Her Majesty's Indian Territories. The House would observe that he had not stated that it was for the renewal of the Charter of the East India Company, because, as was well known to all persons conversant with the policy pursued with respect to India, that charter had ceased practically to exist, and that, in fact, there was now no exclusive charter in favour of the East India Company. He should be occupying the time of the House very unnecessarily if he were to attempt to give anything like a retrospective view of the history and the extraordinary progress of our possessions and empire in India.

The subject was, no doubt, too familiar to all who now listened to him to render it either profitable or becoming that he should do so; and on this occasion, when he must on another topic trespass for some little time upon the attention of the House, it would be out of place if he were to remind them of the origin and progress of our almost fabulous empire in India. He would therefore briefly advert to the circumstances in which they now stood, and to the peculiar grounds on which he would venture to ask the House to consent to the Motion he was about to make. Among the many changes that had taken place in the position of the East India Company, and in its relations with respect to the Government of this country in the management of the affairs of India, it was well known that from 1784, when the then system of governing India was in point of fact established—for the existing system did not much differ from what was then introduced—there had been a general tendency towards the abolition of all the exclusive rights, privileges, and possessions of the East India Company as such. In 1793, when the charter was renewed in its full force, a small introduction was effected of a private trade, to be carried on, not in conjunction with, but under the immediate direction, and subject to the management, of the East India Company. This was only the commencement, and a very slight one, of a system which had since developed itself into a complete exclusion of the Company from all commercial privileges. From that period till 1813 there was a very partial introduction of private trade. A very great alteration, however, took place in 1813, inasmuch as at that time the exclusive right of the East India Company to trade with the East Indies was entirely removed, and private traders were admitted to a full and complete competition with them in regard to the trade with India. At the same time, the exclusive right of trading with China was retained by the Company. Many useful regulations were then introduced. A most valuable inquiry was made by that House in 1812, antecedent to the passing of the Act of 1813, and no doubt information of a most important character was gained by means of that inquiry. This state of things continued to the year 1833, and brought him to the Act he was about to propose to subject to the inquiries of a Committee, to ascertain how far that Act, which might be more properly called an arrangement with the East India Company for the better administration of Her Majesty's possessions in India, had worked satisfactorily. By that Act of 1833 the most material changes were effected. It converted the East India Company from being proprietors of the soil of the territory of India—territory acquired under their government, but by the prowess, no doubt, and the skill of the military and naval armaments of Great Britain—into individuals having no further right or property in the territory so acquired, and, at the same time, not only divested them of their previously exclusive right of trading with China, but positively inhibited them from trading at all; so that, from the passing of the Act, and so long as the Act should continue to be enforced, they ceased to be, not simply exclusive traders, but traders in any character whatever. All their possessions were made over to the Crown; their commercial assets were disposed of, their future power of trade entirely annihilated, so long as the Act continued in force. The Act was passed for twenty years, that was to say, it was to last from 1834 to 1854. One of the conditions on the side of the East India Company in making this, he must certainly call it immense sacrifice on their part, was, that their stock, then amounting to 6,000,000*l.*, which they had lent to the public, should not be subject to redemption before the year 1874; that was to say, not until forty years after the passing of the Act. On the other hand it was enacted, that if during the continuance of those forty years the Government should at any time take from the Company any of the privileges which it then conferred upon them, that was, of being the agents for the administration of the empire of India, the Company should have the right of requiring the redemption of that stock, by the payment on the part of the public of 200*l.* for every 100*l.* of stock so existing. This condition, it would be obvious to all who were acquainted with the present state of things, would not operate very onerously on the public; since, supposing Parliament were not to continue the existing administration of India in their hands, it was by no means likely that the redemption of the stock on such terms would be enforced by the Company, inasmuch as they would not be at all disposed to take 200*l.* for the stock from the Government, when its market value was from 60*l.* to 70*l.* above 200*l.* The

Company also retained, as part of the engagement, the entire patronage of the agents of the Indian administration; this patronage had belonged to them from the very outset, and, in point of fact, the territory of the Indian empire belonging to them, it seemed in the natural course of things that they should possess also the appointment of all the officers by whom the administration of that empire was to be conducted. He need not refer the House to the many discussions which had taken place on that subject, nor to the famous contests in that House, in which some of the greatest men of modern times were engaged; he need not refer to these things in order to direct the attention of the House to the importance of this subject of patronage. This patronage, by the Act of 1833, was entirely reserved to the East India Company on the footing on which it had existed prior to that Act; that was to say, the Company accordingly retained the appointment of all the officers for the administration of Indian affairs—the Governor General and the Commander in Chief alone excepted; and the Board of Directors, equally with the Crown, further had the right of revoking, indiscriminately, all appointments to offices in India, not even excepting the Governor Generalship, though this office they could not confer without the consent of the Crown. Under this arrangement, the affairs of India had continued to be administered from 1834 to the present time; and they would continue to be so administered until the year 1854, after which time it would be for that House and the other House of Parliament, and the Crown, to determine whether that same system should be continued, or whether some other system deemed more fitting to the purpose should be adopted in place of it. He would now advert briefly to the grounds on which Her Majesty's Government had thought it fit at this time to submit the subject to the consideration of two Committees of the two Houses of Parliament. The position in which they found themselves was this: In 1854, this Act was to expire, unless, meantime, provision was made to the contrary. There were, under such circumstances, one of three courses to be pursued by Parliament and by the Government of the country for the time being. One was to suffer the Act to expire; another, to propose to Parliament the renewal of the Act without further inquiry; the third was to propose, as was now proposed, a Committee of Inquiry, preliminary to the determination whether or not the Act of 1833 should be continued. Her Majesty's late Government resolved to adopt the course of submitting the subject to Committees of both Houses of Parliament, and, after most mature reflection, Her Majesty's present Government had also come to the judgment that such would be the course most becoming the importance of the subject, and also most befitting the respect which, on so great a subject, it was becoming in them to pay to the opinion of Parliament. He should observe, that on all previous occasions, the changes contemplated were preceded by inquiries such as that he now proposed to institute; and on all such occasions infinite benefits and advantages had been derived from those inquiries. He need only refer to the voluminous reports, with the important information developed by these inquiries, to satisfy any person of the infinite value of such inquiries when prosecuted by Committees of Parliament. He did not apprehend that he should experience any difference of opinion in respect to the proposition he was about to make; but he should not discharge the duty imposed on him on the present occasion did he not seek the permission of the House briefly to advert to some of the circumstances which had marked, in a peculiar degree, the period since the passing of the Act, the continuance of which was now to be made matter of consideration. In the twenty years, or nearly so, which had elapsed since the passing of that Act in 1833, it was natural to inquire what had been the effect, so far as could be judged from the most apparent circumstances, touching the welfare and progress of our Indian empire—what had been the effect of this mode of managing that empire between 1833 and the present time? He knew no way by which he could give a clearer idea of the effect of that mode of administration, than by sketching an outline of the financial, commercial, and general progress of the country under it, that the House might judge whether that administration had been conducted so as not merely to fill the Exchequer of the empire, but at the same time, also, to effect such improvements in all other respects as were calculated to promote the well-being and prosperity of the people whose affairs had been thus administered. This explanation he would, with the permission of the House, give, and it should be briefly, for he felt that he could not, on his own account, extend his address to any great length. He would, then, succinctly advert to some of the most striking points, to enable the House to judge what progress had been made under this management in the affairs of our Indian empire, and, what was of equal importance, in the condition of Her Majesty's East Indian subjects. The first subject to which he would request the attention of the House, and he would deal only generally with it, details being out of the question on this cccasion, inasmuch as it was with details that the Committee would have to deal—the first subject to which he would advert was the question of the increase or decrease, if there were any, but increase as it happened to be, in the Indian revenue, as compared at the present time with what it was at the period when the Act came into effect. Upon investigation into this point he had attained this, in many respects, very satisfactory, in some other points to which he would advert, not so satisfactory, statement of Indian revenue in the period to which he referred. Without entering into details, which, as he had just said, were matters for the Committee, he would state, that in the year 1834-35, at the commencement of the period in question, the total revenue of India was 18,407,773*l.*; and since that year there had been, upon the whole number of years, a gradual increase in that revenue, as thus:—in 1835–36, 19,294,877*l.*; in 1836–37, 19,119,902*l.*; in 1841-42, 19,874,142*l.*; in 1842–43, 20,572,786*l.*; in 1843–44, 21,423,243*l.*; in 1848–49, 23,342,544*l.*; in 1849-50, 25,160,575*l.*; and in 1850-51, (estimated), 24,579,282*l.* If the House had followed him in these details, they would have observed that the difference in revenue between the first and the last of these two periods exhibited an increase in favour of the latter of no less than 6,000,000*l.* sterling, and this in the space of less than twenty years. He was sorry to say, however, that the expenditure had also increased, and this in a proportion somewhat greater; but, as he should show before he sat down, this increase was not to be regarded wholly as a matter for dissatisfaction, but, in some material respects, rather as an element of great congratulation for the country. The charges, he found, had gone on increasing from 18,602,250*l.* in 1834-5, to 25,257,991*l.* in 1850-1, exhibiting a deficiency of 678,709*l.* How then had this deficiency arisen? He had gone through the whole series of years, and he found that in the first three years after 1834-5 there had been a surplus; and that in the last four years of the period there had been an increasing deficiency, with the exception of the year before last, when there was a small surplus of 354,187*l.* The question arising upon these figures was, how had these results happened? It was scarcely necessary to remind the House of the circumstances by which the expenditure had thus somewhat exceeded the revenue; for the House could not but be acquainted with the expensive, onerous, difficult, and, in one case, disastrous, wars to which our Indian empire had been subjected throughout the whole period in question. The war—if the miserable undertaking could be so designated—the war of Affghanistan, cost no less an amount than 10 millions sterling; there was then the war of Sinde, and the first and second wars of the Punjab; all these wars, according to the best accounts he could collect, had cost no less a sum, in the aggregate, than 36 millions sterling. 36 millions, then, expended in war, accounted for the constantly recurring, and still, to a certain degree, existing deficiency in the revenue of India. He had a right, however, in the argument, to look at the other side of the question; and, comparing the state of the Indian debt as it was at the commencement of the period, and as it was at the end of the period, he found, indeed, that the debt at the latter point of time was greater by 20 millions sterling than it was at the former; but then, on the other hand, 36 millions had been expended in the interval on wars alone. If, then, only 20 millions of debt had been added, while there had been an extraordinary expenditure of 36 millions, it followed that the Indian revenue had been so far buoyant as to furnish 16 millions of this extraordinary expenditure. And this very fact, that towards the expenditure on wars, some of which had added greatly to the income and greatly to the security of our empire, the Indian revenue had contributed 16 millions sterling, while there had been added to the Indian debt only 20 millions sterling, gave ample reason for the expectation that, under the better circumstances that might be confidently anticipated, the Indian revenue would soon pay off its debt, and fulfil the most sanguine hopes that can reasonably be formed of it. The interest on the debt of India had increased from 1,774,153*l.*, in 1834-5, to 2,201,105*l.*

in 1850-51. It might be said that it was possible to extract a greater revenue from such a country by some new means, not, indeed, improving the country, but exhausting it after a while; and it was, for that matter, no uncommon thing to hear persons not well acquainted with the subject and with the affairs of India say that already there had been a great drain unnaturally made on its resources. There could be no better mode of meeting such a statement than by drawing the attention of the House to the progress of the commerce of the empire during the period under consideration. In that period he found that both imports and exports had doubled. In the year 1834-35 the imports were 6,154,129*l.* in value; in 1848-49 they had increased to 12,549,307*l.* With respect to exports he found that they stood at the commencement of the period to which he had referred, 1834–35, at 8,700,000*l.*; while at the close of the period (1848-49), they amounted to 18,000,000*l.* and some hundred thousands, being an increase of more than double. These, surely, were evidences of an improving state of the country, and exhibited an augmentation in the industry, in the production of articles of export, and of the wealth and well-being of the population in the consumption of articles of import. He would now refer to the progress of navigation; and here the accounts show a great progressive increase of tonnage between England and India, both inwards and outwards. In 1834-35 the tonnage inwards, taking the whole of India, was 108,870; and in 1849-50 it had augmented to 252,153. The tonnage outwards from India, in the first period, was 83,776, and in the last-named year 280,897, thus showing a great augmentation in the activity of commerce. While adverting to the wars and to the outlay of 36,000,000*l.* occasioned by them, it was also right to consider the effect of those wars in the addition of territory and population obtained by them. He found that in the course of these last twenty years there had been added to our Indian possessions no less than 165,000 square miles of territory, and about 9,000,000 of population. But it was not merely in the augmentation of our Indian possessions that a great favourable difference was to be found between the condition of India at the present moment and at the commencement of the period which he had alluded to. Perhaps there never yet had been a period in which our Indian empire was so fortunately circumstanced as at the present moment. Up to the present period the Indian Government had had within the limits they now possessed, to contend, or had had the expectation of contending, with independent Powers capable of creating, if not danger, at least alarm and difficulty. But all those alarms and difficulties had been dissipated by the conquests which had been made, and the Indian Government were now in possession of a consolidated empire comprehending 150,000,000 of British subjects, so strong in itself that it might fairly be said, by any person who took an impartial view of the subject, that our position, as regarded future peace, prosperity, and safety, was incomparably more advantageous than at any former period in the history of the Indian empire. This was a matter of no small importance, more especially in reference to financial considerations, for it might be expected now that the future resources of India would have every opportunity of developing themselves undisturbed by the miseries and dangers of war. He did not wish to enter on the present occasion upon any topics which he could well avoid; but there was another point to which all persons interested in the prosperity of India must look with peculiar anxiety, and it was one which occupied the minds of all persons of intelligence who turned their attention to the affairs of our Indian empire. It had been not unnaturally suggested that we were ruling India with a foreign hand, and that we were excluding from all share in the administration of their own affairs the natives of that country. Now, he had taken some pains to look into this subject, and to ascertain what progress had been made in introducing natives into offices of administration, and he confessed that the result of his inquiry had given him satisfaction. He had found a persevering determination on the part of the Indian Government to promote by all means the employment of natives in posts of considerable importance; and, above all, to promote their education, so as to make them fit for such duties. He found that the following was a statement of the number of the natives employed by the Government in India in posts of administration (not speaking of judicial appointments, to which he should afterwards refer):—Natives employed by the Government in India upon salaries ranging above 24*l.* per annum—1 at 1,560*l.*, 8 at 840*l.* to 960*l.*; 12 at 720*l.*

to 840*l.*; 68 at 600*l.* to 720*l.*; 69 at 480*l.* to 600*l.*; 58 at 360*l.* to 480*l.*; 277 at 240*l.* to 360*l.*; 1,173 at 120*l.* to 240*l.*; 1,147 at and under 120*l.*; total 2,813 natives. The House should regard not merely the numbers but the progress which had been made during the period to which he referred. There was another circumstance of infinite importance to which it would be unpardonable in him not to advert; and that was in reference to the administration of justice in India. The Committee to which these matters would be referred, would hardly fail to find that a vast improvement in that most important branch of public administration had been effected in India; that a native judicial force had been constituted and invested with powers to a degree and extent wholly unknown previous to the period to which he was adverting; it would be found that justice was administered mainly in India by natives, not only between natives and natives, but in civil causes between natives and Europeans. It would be found that in these courts the benefits of the County Courts in England had been fully extended. Causes involving from the smallest amount, up to 5,000 and 10,000 rupees, were decided by these native judges. He had also received this most satisfactory information, that out of all the vast multiplicity of cases in these courts, the number of appeals had amounted to only 15 per cent, and of these the reversals did not exceed 4 per cent. This was a most gratifying proof of the efficiency with which justice was administered by the native judges. He invited the serious attention of the House to this statement, not as a proof of perfection attained, but of the vast progress which had been made in the amelioration of India during the last few years. There was another subject of great importance, which he could not omit to notice, even at the risk of tiring the patience of the House; and this was the state of education in India, and the means adopted to promote it under the existing form of government. But in order to arrive at what had been done, it was necessary to consider what was the original number of public educational establishments, and what was the number at the present moment. He found that in 1823, the only really native endowments or educational establishments founded by the British Government were the Mahometan College at Calcutta, and the Sanscrit College at Benares. In 1835, there were fourteen of these establishments already in existence; and in 1852 in Bengal and the North West Provinces alone there are about forty. Here was an augmentation from two 27 years ago, to forty in 1852. But that was not all. Greater food for congratulation might be found in the evidence they possessed of the effects of these educational establishments in instructing and expanding the minds of those who have had recourse to them. He must here observe that in 1835 a very important change was made in the mode of imparting information from the system which had been previously adopted; and the beneficial results of that change may be inferred from the report of Mr. Bethune, published in 1849. Mr. Bethune says:—

"There is no institution in England where the answerers are subjected to a severer test than in these institutions. I have no hesitation in saying that every succeeding examination has increased my admiration of the people, and of their attainments, both literary and scientific."

In the Elphinstone Institution in Bombay the course of education is equal to a course for a degree at an English university; so that I think I may fairly refer to all these institutions, their progress and results, as a proof of the desire of the Indian Government to forward the great cause of education among the natives. He would also advert to what had come within his own knowledge, even during his short tenure of office. He found that in the native colleges, more especially those for the sciences, such as geology and mathematics, the pupils exhibited the greatest aptitude and proficiency, and that in civil engineering they were making a progress which must have a most important effect on the future destinies of the country, as it was by the practical application of such sciences that the great resources of Hindostan had the greatest chance of development. Having thus made a few observations on the benefits which the English Government, through the instrumentality of the East India Company, had conferred on the country, he would now briefly advert to the financial part of the question. In reference to this part of the subject, it must be admitted that there was in last year's financial statement a deficit of not less than 780,000*l.*, the expenses having to that amount exceeded the revenue; but if he could show that the whole of that amount was not more than was absorbed by the outlay for works of a permanently improving kind, it would hardly be made a ground of accusation against the Indian authorities. Why, what was there in the Indian debt at present that should occasion any great anxiety? Why, that debt, including that outlay, was represented by not more than two millions in interest. But he held in his hand a paper, by which it appeared that the sum expended in canals, roads, tanks, and various modes of intercommunication, far exceeds the 780,000*l.* which he had mentioned as deficient. There were some public works now in progress which would absorb a considerable amount of revenue, no doubt—public works which must ultimately greatly benefit the country, but of which the results cannot of course be felt for some time. The right hon. Gentleman here referred to the following statement respecting public works in India:—

> "Public Works.—Grand trunk-road, Calcutta to Delhi, to be continued to Lahore and Peshawur, complete to Kurnool, north of Delhi, 965 miles, metalled throughout; cost, 1,000*l.* per mile; total cost, about 1,500,000*l.* sterling. Calcutta and Bombay mail road, about 1,000 miles, will cost 500,000*l.* Bombay and Agra road, 734 miles, cost about 350*l.* per mile. Ganges Canal, for irrigation of lands between the Ganges and Jumna, from Hurdwar to Alleghur, thence to Cawnpore and Humarpore; whole length, 765 miles; cost, about, 1,500,000*l.* Railways.—Calcutta, Madras, and Bombay."

It was hardly necessary to notice a topic which was universally known, that there was at present in progress in India a plan for the creation of railroads in India; he could only express his hope that they might be laid out in lines adapted to the course of Indian produce, and that they might bring more closely together the various important points of the country. He could also refer with great satisfaction to what had been done of late years in respect to the ecclesiastical establishment in India. The House was acquainted generally with that subject; but when we looked at what was the state of ecclesiastical establishments in India no further back than the year 1812, and compared them with what they were at the present day, he could not help seeing a very broad difference, and admitting that a very considerable anxiety had been exhibited for the spiritual instruction of so vast a body of people. In the year 1812 there were only 14 chaplains at Bengal, 12 at Madras, and 5 at Bombay. In 1813 a Bishop of Calcutta and three archdeacons for the Presidency were appointed; in 1832 there were in Bengal 37 chaplains, in Madras 23, and in Bombay 15; under the Act of 1833 the archdeacons ceased, and two additional bishops were appointed, and now there were 3 bishops and 68 chaplains in Bengal, 34 in Madras, and 28 in Bombay—making 3 bishops and 130 chaplains altogether, in addition to 6 of the Scotch Church. It cannot be denied that these statistics speak favourably of the exertions that have been made for the spiritual instruction of the people of India. But there was one subject more to which he must advert, and that was the subject of patronage, which rather in pursuance of practice than of principle had been allowed to remain in the hands of the East India Company. When they considered the advantages that were obtained from the part that Company performed in the administration of the affairs of India, it did not seem a very great boon, that they should be allowed to retain in their hands the appointment of their own servants. It had been often said that they administered their patronage without reference to the interests of the Government of India. Now upon looking into the subject with some interest and care, he found that the whole patronage which had been administered by them during the last six years was as follows:—In 1845, 28 writers, 280 cadets, and 56 surgeons; in 1846, 28 writers, 280 cadets, 28 surgeons; in 1847, 28 writers, 252 cadets, 56 surgeons; in 1848, 28 writers, 196 cadets, 34 surgeons; in 1849, 28 writers, 252 cadets, and 28 surgeons; and in 1850, 56 writers, 234 cadets, and 56 surgeons; the reason of the large addition to the number of writers being the annexation of the territory of the Punjab to the empire of India; and out of 146 cadets now at Addiscombe, 57 were sons of Indian servants; and out of 2,622 appointments that had been made between 1840 and 1851, he found that 1,100 had been given to sons of Indian servants, exhibiting, therefore, something the reverse of that partiality with which the Directors had been charged towards their own friends and relations, to the exclusion of these old and tried servants. But he must say a word, lest he should be misunderstood on the nature of the agency which was exercised by the East India Company in the administration of Indian affairs. It was quite true that the Government of the country, by the terms of the law, had complete power to control all the political interests of the empire of India, and that the East India Company must obey whenever they command. It is the Government, therefore, which is responsible either for good or evil, and the Company are only the agents for carrying out whatever orders may emanate from Her Majesty's Government; and on that Government must ultimately rest the responsibility should their orders not be judicious. But it would be a great mistake to suppose that therefore the East India Company is nothing more than a mere agent of the Government. It would be a great mistake to suppose that their functions are anything similar to those of mere clerks in public offices or in any establishment created by the Crown itself. Their position, their information, and the assistance they render in the task of government, are quite different from mere ministerial duty, as the advice they render is often of the greatest importance. He knew that whatever might be ultimately determined upon with reference to the future position of the Company, must rest on the responsibility of himself and of the Colleagues with whom he acted; and if his duty should so lead, he should not hesitate to effect any alterations; but this he must say, that he considered that consultatively or executively the assistance of the Board of Directors was of the utmost importance; and he wished it to be understood, when speaking of their absolute subjection to the Crown, that he did not all wish to undervalue their exertions in the promotion of the public business. If the House should grant the Committee for which it was now his duty to move, it would then be for them to make such inquiry as might be necessary with a view of determining whether it would be better to continue that system which had worked so well during the last twenty years, or whether it might be necessary to carry out any alterations. On that point he did not presume to offer any opinion to the House; he should reserve his opinions for the Committee, and when that Committee should have reported to the House, they would then be in a condition to determine in what way the affairs of our Indian empire should hereafter be regulated. All he should venture to hope now was, that nothing would be determined hastily—that nothing would be altered until they were fully satisfied that it was no longer useful. If on careful inquiry they found that the system had worked differently from what he had stated, it would be for the wisdom of Parliament to adopt some new mode; but, as at present advised, he should content himself with asking the House to agree to the proposal which he now made, which was that a Select Committe be appointed for the purpose of taking into consideration the operation of the Act of 1833, for the better Government of Her Majesty's East India possessions.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to inquire into the operation of the Act 3 and 4 Will. 4, c. 85, for the better Government of Her Majesty's Indian Territories; and to report their observations thereupon."

Mr. CHISHOLM ANSTEY said, that no one who had heard the speech of the right hon. Gentleman would differ from the conclusion at which he arrived, that it was impossible to overrate the importance of the topics to which he had referred. So satisfied was he of this, that he thought it would be most dangerous that the Legislature should come to any determination upon them without having previously instituted a more searching inquiry than that of a Select Committee, who should sit during the brief period that yet remained to the present Parliament, albeit with a view to their labours being taken up and carried to a useful termination in the new Parliament. He (Mr. Anstey), therefore, wished the House and the right hon. Gentleman to consider whether such an inquiry before a Select Committee would be sufficient for the attainment of the end they had in view. He himself was so convinced that no inquiry could be successfully or adequately prosecuted without having the assistance of local Commissioners of Inquiry duly empowered to take evidence in India, and to report it with their own remarks to that House, that he now rose to propose to the House the Amendment he had put upon the paper. Even if the flattering picture which the right hon. Gentleman had drawn of the present state of Indian finance, and of the general prosperity of the country, were as correct as it was flattering, he should still ask the House to agree to the Amendment of which he had given notice. On the 3rd April last year, he had proposed to the House a Resolution to nearly the same purport; and he then urged, and he should still urge, upon them that it was impossible for them, consistently with a regard for the interests of that vast empire, with a population of 110 millions, and 40 millions of tributaries, and for the honour and interest of the Crown to whom it was subject, to entrust a Company of Merchants in the City, or a Board of Ministers at Westminster for ten or twenty years longer with the absolute authority over the lives and liberties and fortunes of those their fellow-subjects, without previously taking some security that they were not acting improvidently, and were not doing a wrong where they meant to confer a benefit. Now, it was perfectly clear that the information Parliament desired could only be obtained by taking the evidence of the natives, whose interests were most nearly concerned in the matter, and that that evidence could only be obtained by means of a local inquiry. It was impossible that those 150 millions of inhabitants of India should be represented by any array of witnesses that could be sent to this country. We knew that the Hindoos were forbidden by their religion to cross the sea upon the pain of suffering the greatest calamity known to them, the forfeiture of caste; and although the Mahommedans were not precluded from coming to England to give evidence by any religious scruples, very few of them could bear the expense of the voyage, in consequence of the state of wretchedness and poverty to which our rule had reduced the population of India. How many, then, of that population did the right hon. Gentleman expect would cross the sea to give evidence before his proposed Parliamentary Committee? He believed that not a single Indian planter—not one Indian resident—of any colour or creed would cross the sea to give evidence before the Select Committee. We must, therefore, go to them. In proposing the appointment of a local Commission of Inquiry, he was not about to introduce any novelty. The late Government sent Commissioners to South Africa, to determine upon the spot a question of great importance to the colony, and one which they thought could be best settled in this manner. In former years a question of still greater magnitude, affecting the tenure by which we continue to hold our dominion over North America, was delegated by the Crown, with the consent of Parliament, to Commissioners of Inquiry. And now, in 1852, hon. Gentlemen on both sides of the House were preparing to discuss the report, recently laid before Parliament by the Crown, of the Commissioners appointed also a few years ago to inquire into the alleged grievances of our subjects in the Ionian Islands. India too had furnished the precedent. The only recommendation of the Committee which sat upon India in 1848, which the Government here or in India had shown any disposition to carry out—a recommendation to expend on the territory of India, in the improvement of its means of internal communication some portion of the immense revenue derived from its soil—was being carried out by Commissions of Inquiry appointed by the Indian Government. Why, then, should there not be a Commission of Inquiry into the far more important points adverted to by the right hon. Gentleman? What said the precedents? Why, that in every former instance, before the Minister ventured to demand from Parliament the renewal of the East India Company's charter, he proposed a three years' inquiry as a preliminary to the concession which he asked. Now we were within a few months' time of the renewal of the East India Company's charter; and the House was, by an act of the Crown, about to be incapacitated from acting upon the Resolution proposed by the right hon. Gentleman. Incapable themselves to prosecute it, they ought to delegate the proposed inquiry to a Commission which would sit whether the Parliament which created it continued in existence, or whether it was dissolved. This much he had said, on the assumption that the case of the right hon. Gentleman (Mr. Herries) with regard to India was as correct as he supposed it to be. But he believed that that was not so. The right hon. Gentleman had indeed said that the debt of India did not greatly exceed two years' revenue, and had asked the House whether that could be considered a very bad financial position? But there was a failure in the parallel which the right hon. Gentleman would draw between India and this country. The public revenue of this country was derived from taxes alone, and was altogether distinct from the income of the proprietors of the soil of the country. But the public revenue of India was made up of both taxation and income; and the Indian Government had by fraud and usurpation accroached to it the rights of landlords and proprietors, as well as of governors, in India; and thus the wretched 20,000,000*l*. or 21,000,000*l*. which we annually wrung from a starving people were made up partly of the rent with which we racked the land, and which never exceeded 13,000,000*l*., and partly from the taxes. Hence it would be impossible to add anything to the amount of our present revenue, for it was partly raised by a land-tax amounting to 60 per cent, calculated, not according to the value of the land, but according to the probable value of the annual produce; and partly by other taxes imposed on every kind of thing that could possibly be taxed, from the means of luxury and vice, down to the most indispensable necessaries of life. And yet this small and contemptible revenue, raised with so much difficulty, was yielded by a territory as large as Europe, infinitely more fertile, better peopled, more completely in the hands of the Government, blessed with three or four harvests in a year, and naturally abounding in every kind of product that could be named, from the product of the tropic to that of the frigid zone. Nevertheless, not another farthing could be added to the revenue of India. On the other hand, the expenditure was growing year by year, and threatened to consume utterly not only the resources of the present, but those of the future. Such was the financial condition of India, which the right hon. Gentleman believed to be so excellent. The intelligent natives and planters of India, however, who visited this country were not of that opinion. They told us that the complaints sent from India to this country were disregarded here, and that they always would be disregarded as long as inquiry into them was Imperial and not local. They stated that their condition was one of hopeless misery, and that it had been so ever since they came under our rule; and that, as the latest advices show, notwithstanding all the vices and faults of the native Governments, thousands and thousands of our subjects had emigrated from Masulipatam, for instance, in the Madras Presidency, and also from the other presidencies, into the territories of the Nizam, the King of Oude, and other native princes, where British rule was less direct and less formidable than in our own territories. To the tyranny and robbery of Mussulman and Mahratta conquerors, we had added our own. And yet it was still our hypocritical boast that it was this very population which we went to India to liberate! At that moment, according to the best authorities, comprising persons connected with the East India Company itself, they were at a dead lock. There was not a farthing that could be taken out of the pockets of the people of India that had not been taken and spent. He trusted, therefore, that the hon. Baronet the Member for Honiton would not now repeat the contradiction which in 1851 he had ventured to give to these statements. With regard to the mode of fixing the rent payable by these people, they were now informed by Mr. Campbell, one of the servants of the Company, who had lately published his panegyric of that corporation, that it was estimated according to the nature of the crop. For wheat land they paid from 10*s.* to 20*s.* an acre; but for opium, sugar, and cotton land, they paid much more, and sometimes double the amount. This also was what he (Mr. Anstey) had asserted last year, but the hon. Baronet at that time vehemently denied it. Mr. Campbell, himself a collector, stated, that the assessment was invariably made according to the value of the crop, and then the taxes were levied by anticipation. They had reduced the value of the land by the amount of their extortions to such an extent, that, according to the same authorities, when the land of defaulters was sold they could never realise by the sale, even under the most favourable circumstances, more than four years' purchase in Bengal, whilst in Madras and Bombay they could get no purchasers at all. Passing from the immense question of the land, he begged to call attention to the course that had been adopted by the authorities in India with regard to the supply of salt. Of the two species of salt, the Company had forbidden the manufacture of one species altogether—namely, that which was procured from the sea; and they had monopolised that of the other, namely, that which was obtained from the earth. It was a misdemeanor for any one but the Company's salt manufacturer, to obtain salt from the ocean or the land. If a Hindoo dipped a cup into the sea, and allowed the water to evaporate beneath the ray of the sun, he was guilty of a misdemeanor; and if detected, he was punished, and the salt so obtained was destroyed as contraband. The penalties were three months' imprisonment, or a fine of 500 rupees, or both. It had been further enacted by the Governor General in Council on the 4th February, 1839—and it was still the law—that if the fine were unpaid, and no sufficient distress could be found within the jurisdiction of the magistrate who imposed the fine, the offender may be imprisoned with or without hard labour at the discretion of the magistrate, for not more than two calendar months if the fine did not exceed fifty rupees—or four calendar months if it exceeded fifty, and did not exceed 100 rupees—or for six calendar months in any other case. The object of these scandalous enactments—

utterly unknown before India was cursed with an East India Company—was to keep up the price of the Company's salt; and their success was undeniable. Down to 1848 the price of the wretched stuff, heavy with dirt and mixture, manufactured at the hon. Company's Sunderbund salt works, used to be 8*s.* the bushel, and at least a pound sterling in the provinces. By a Government notification of the 31st March, 1849—one of those ameliorations of which the hon. Members for Honiton and Guildford were so proud last year—it was notified to Lord Dalhousie's Indian lieges, that for the future the price at the works should be 2*s.* 6*d.* the bushel, that is to say, 4*s.* the maund; but it was significantly added, that "the Government reserved to itself the power of reimposing the full amount of duty authorised by law, if circumstances should arise to render such a measure necessary." The consequence of this "amelioration," however, was, that the Company's bad salt, which formerly cost the natives from 8*s.* to 1*l.* per bushel, now cost them 3*s.* 3*d.* at the depôt, or from 10*s.* to 12*s.* in the provinces. And yet, if it were not for their oppressive restrictions, good English salt would be sold on Calcutta quay at 1*s.* per bushel, not to speak of the facility with which the natives might manufacture for themselves. With all this, there was a deficient supply; and the last mail informed us, that the Madras Presidency was threatened with a positive famine of salt for the present year. The English Parliament had taken off the taxes upon food in this country, and they had done well. But they should not deny the benefits of free trade to the people of India, nor deny them by law the necessaries of existence. The result was, that cholera had become the normal order of things in that country, for in India it never died out, as it did in Europe. It appeared from the reports of medical officers in the army that it did not attack the rich and well-fed as it attacked the poor, and that amongst them it had made the most fearful ravages. The first authentic account they had of the appearance of cholera in India was coincident with the imposition of the salt monopoly by Warren Hastings; and by a just retribution it had visited their own shores, and taught them to know the scourge wherewith they had so long afflicted the natives of India. It might be said of the other taxes, that in one form or another they affected every branch of industry and every necessary of life. They affected even the tools of trade, and were sometimes equal in amount to the sum for which the tool itself could be purchased in the market. When on a former occasion he had mentioned those facts before a Member of the Court of Directors, he was told that if he had seen the documents that were in the archives of the India House, he would perceive that great alterations had taken place. He immediately afterwards gave notice of a Motion for the production of those papers, and obtained them, and he found that, instead of contradicting his statments they affirmed them. He found that the relief which the Indian Government pretended to give was limited to "articles of lawful export;" but what those articles were did not appear. In India everything was "unlawful" that was forbidden by a Government collector, and it was a well-known fact that the natives, however oppressed, dared not complain, for in any case where they did seek the protection of the law, they found themselves treated as Jotee Persaud was last year; and, warned by the example of Nuncomar, and Jotee Persaud, it was not to be wondered at that the natives were backward in bringing to justice those whose oppressions nevertheless they felt acutely. With regard to these exemptions from taxation which had been granted by the East India Company, he was willing that they should have all the glory, and therefore he begged to call attention to a notification which had been issued on the 18th January, 1847, in which it was set forth that certain plants and trees intended for planting were to be exempt from duty, but that the Governor in Council "did not consider it expedient to extend the exemption to green grass." The Bombay Government *Gazette* of the 18th of January, 1839, in like manner, notified for the general information that the Governor in Council was pleased to exempt the following articles, the produce of the Bombay Presidency, from the customs duties—onions, potatoes, grass, pot-herbs, garden stuff, fresh fruits in the ordinary acceptation of the term, eggs, poultry, and fish, "with the exception of sharks' fins and fish maws." These instances surely showed how bad that general system of taxation must be where exemptions such as these were requisite. It was said, that the deficiency in the revenue of India was occasioned by the wars that had been forced upon them. It was in vain, however, to lay the blame of these wars upon the Board of Control; for he considered that the Court of Directors were just as responsible for the Affghan war as the Board of Control, for they had weakly given way on the occasion; and had they not concealed from Parliament itself and from the country, as far as they could, that the papers that had been taken from the archives were, either by the Board of Directors, or the Board of Control, or their clerks, falsified and mutilated before they were laid upon the table of the House? With respect to other wars, every one of them had resulted in the increase of territory; but the Company and the Court of Directors had reaped the advantage of them, and not the British Crown. In 1792, the last year of the Company's moderation and justice, when they had not made many additions to their territory, they had a surplus of 2,000,000*l.*, but that surplus had disappeared long ago. It had disappeared from the moment they commenced their unhallowed crusade against the liberties and rights of unoffending allies; and there was now an increased deficit, though it appeared that there was an increased revenue. He held in his hand two important declarations—one a declaration by the British Parliament; the other by the Governor General of India. The declaration by Parliament was in the shape of two Acts, which were still in force, and was to the effect that it was repugnant to the wishes, honour, and policy of the nation to pursue schemes of conquest and dominion in India. The declaration of Lord Dalhousie was to the effect, that in the exercise of a wise and sound policy the British Government were bound not to put aside or to neglect such rightful opportunities of acquiring territory or revenue as might from time to time present themselves. It would be seen that this was in direct contradiction of the Acts of Parliament to which he had referred. He (Mr. Anstey) found, on reference to the statements of all those men whose opinions were deserving of weight, being founded upon official experience, that they declared that the moment when the whole of the tributary States were included in the British empire in India, that would be the moment for the decline of all. He (Mr. Anstey) felt assured that if Mr. Macaulay were now a Member of the House, and if he were assisting at that moment in the discussion of the proposed Charter of 1854, as he had assisted at the discussion of the Charter of 1833, he would not be able to defend the Company as the organ of the Government of India, as he had then defended it, and he would not now dare to say what at that time he said with some appearance of truth of its past history:—

> "I look back for many years, and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent States. I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency which would have done honour to an Aurelian or a Titus."

He would also call the attention of the House to the statement of Mr. Campbell, the latest panegyrist of the Company, who said that in ten years they had increased the net revenue to more than 5,000,000*l.* sterling, but the outlay had also increased to about 6,000,000*l.* sterling. The case stood thus: the net revenue was 5,295,176*l.*, and the amount of charge 6,762,176*l.*, showing a deterioration to the extent of 1,470,002*l.* It was a matter of indifference to him whether this was owing to the administration of the Board of Directors or of the Board of Control. He also begged to call attention to the manner in which the opinions of the Board of Directors were overruled by the decisions of the Board of Control, as demonstrated by the testimony of Lord Broughton. It would appear that at the mandate of the President of the Board of Control, the Chairman of the Board of Directors must sign every despatch sent him, whether it related to war or peace, and whether he approved of its policy or condemned it. Yet this general servility of the Court of Directors, absurdly supposed by Mr. Courtenay to be a Board controlling the Board of Control itself, offered one exceptional and singular anomaly. The Board of Directors was empowered to recall the Governor General, who was not appointed by them, and was appointed by the Crown; and the recall was final. But they must send the despatch through the Board of Control, who might alter the language, though not the conclusions of the despatch. When the Earl of Ellenborough was removed, it was by the Court of Directors acting in opposition to the Board of Control, and yet the Board of Control perused and settled the despatch which announced the fact. It was therefore only fair to assume that the Board of Control did alter the despatch into something like the following terms:—"The Court of Directors have to express their unqualified approval of your conduct in India, and therefore beg to recall you." It was a cumbrous absurdity. Two establishments, one in Cannon-row, and one in Leadenhall-street, were kept up to do that which the natives of India could do better for themselves. And yet we are asked to place so much confidence in those governing bodies as to continue their term of power! Could we have confidence in men by whom India had been so mismanaged as it had been? The right hon. Gentleman had asked, whether it would be expedient to vest the patronage in the Crown and Government of England? Why, it was so vested now. It was vested in the Crown's Ministers in Cannon-row, and in the Crown's agents in Leadenhall-street; and what he (Mr. Anstey) wanted was, to see that patronage taken away. Let the patronage of India be confined to those who were answerable for the government of India. Let them draw a lesson from their experience of our revenue system. It had not succeeded except in the rare instances where the Punches or representative assemblies of the people had been employed in the management. The revenue was well collected wherever it was levied through the municipal assemblies of the villages. The natives were as competent for employment in other departments besides that of revenue. They ought to be admitted into the highest offices. There were natives fit to fill them. India would never be peaceful and contented till she was prosperous, and that would never be until she was governed according to Indian and not European views, and for Indian and not European interests. The right hon. Gentleman had said, that a change was now beginning to be made in the distribution of the patronage, and that it was now being given to the natives. It was time it was. But was the right hon. Gentleman aware of the proportion the places to which we admitted natives, bore to those which we denied? Out of above 100,000,000 not 100 were in the receipt of incomes amounting to 1,000 rupees a month; whereas out of the 800 covenanted servants of the Company 600 were in the receipt of something like 2,000 or 3,000 rupees a month at least; and of the remainder not one-third had less than the maximum amount of the salary of places held by natives or uncovenanted servants. If an average were struck, each civilian costs 1,750*l.* a year to the State. The military are not so favoured; the average annual cost of each officer being 412*l.*, or not one-fourth of the first. Nor is this all. In assessing the incomes of the European servants, we proceeded on the principle of tempting them to residence in India by high salaries. In the case of the natives we considered that a rupee was current for what 20*s.* would be current for here, and we paid them what might be expected under a spare and economical system in a country where a man might live for 4*l.* a year. Lord Dalhousie had indeed appointed one native to an office of trust and power; but the income was reduced from 1,500 rupees to 800, to be raised again probably if a European should succeed him. Thus we squandered 3,500,000*l.* in civil establishment charges alone in the three Presidencies, before we even began to do anything for the Government of India. The case of Colonel Outram—which must be inquired into—would serve as a clue to the dark recesses of Indian despotism and corruption, and it showed how impossible it would be for Gentlemen sitting here, seeing things Europeanised, and forced to listen to secondary evidence from afar, to form any conclusion upon the matter. The circumstances of that case were these: There was a tributary State with which we had entered into a treaty of intervention. We had exercised the right of extending our guarantee to certain persons, whether they were Indians, or from whatever country they came, under which, if they entered into any business there, they might claim the rights of British subjects, and be entitled to British protection. That treaty was fully recognised by the Sovereign of that territory and the Court of Directors. It appeared that there was a very rich banker at Baroda, a native of that place, who had received the guarantee of the British Government, upon the faith of which he had carried on the business of a banker there. At his death he left some million of pounds sterling behind him to two of his wives, each of whom had a son by him, who were to inherit his property. Under the protection of the guarantee, the two widows continued to carry on the business of the bank, until a fraudulent agent of the bank carried off the son of one of the widows and murdered him, the other child being then dead; and, in order to excuse himself, denounced the widow whose child was murdered as having palmed off a spurious offspring on her husband. On that charge he procured her to be immured in gaol, and obtained in the meantime the full possession of the property. The widow, so circumstanced, contrived to make her case known to Colonel Outram, who soon after the event had been appointed Resident at Baroda; and that gallant Officer instituted a full inquiry into it, the result of which was not only to establish her own innocence, but to bring home the guilt of bribery to those persons in authority, by whom all her applications for redress had been rejected; and in connexion with that the bribery names of persons of the highest rank and character in Bombay were implicated. At this juncture—the facts becoming widely known—the Bombay Government found itself obliged to interfere; and the result was, that a letter was written on the 15th of May, 1851, to Colonel Outram, in which the Government requested him in substance to report to them the grounds on which such a system of bribery was supposed to exist, as had been made the subject of public rumour, and if so, to offer any suggestions he could as to the best means of eradicating it. A copy of that letter was also sent to every officer of the Bombay Government charged with the office of Resident. Colonel Outram obeyed the instructions so given him: he made a full inquiry into the matter, and found that the rumour was fully justified. He found that from 1840 money had been annually sent to Bombay, and there laid out in bribes. The highest persons were denounced as being the recipients of those bribes. He (Mr. Anstey) did not state that those persons had received those bribes; but he stated that the highest persons, from the Governor of Bombay downwards, were accused of having received them. Colonel Outram also found, whether they were recipients or no, the money had actually reached Bombay Castle, and had procured the services it was meant to purchase. He afforded a most unexpected and unsuspicious proof of this fact. He intercepted, on their way to the Guicowar from Bombay Castle, the most secret and important Minutes of the Governor in Council himself, adopted a few hours before the departure of the last mail from Bombay and not yet acted on! These Minutes, translated into the language of Gujerat, he intercepted and sent back to Bombay Castle in confirmation of his statement. Still the Government refused the inquiry which their Resident urged them to institute. He persisted in pressing that honourable and prudent course upon their notice; but with what result? Colonel Outram had been in consequence suspended. Would it be said that he had been an officious intruder? Surely he was bound, in his capacity of British Resident, even if he had not had special directions, to unmask the offenders. How much more so when the directions which he had received, if they meant anything at all, went to that end? Yet the authorities had not only suspended him, but had refused to make any inquiry into his case. On the contrary, they had hushed it up, and therefore—and very naturally—the most offensive articles had appeared in most of the newspapers, especially those under native management, respecting the conduct of these same authorities. Colonel Outram was ruined, so far as it was in the power of those contemptible men to effect that object, and he was now in England seeking justice. But the case did not rest there. This was not a new charge in the case of Baroda. He (Mr. Anstey) held in his hand a report of the Advocate General of Baroda, Mr. Le Mesurier, dated the 31st July, 1843. That was in the time of Mr. Sutherland, and long before Colonel Outram was appointed Resident of Baroda. In that report the Advocate General stated there would be no doubt his Highness, finding his position becoming critical, had formed the design of bribing largely those Members of the Bombay Government who were in a position to give effect to his wishes, and that his Ministers and others were authorised to communicate, through fitting agents, that they were prepared to expend money for such a purpose. That report also stated that a long intimacy with Sir James Carnac pointed him out as the best channel through which to reach the Government of Bombay. There was at that time no less than 145,600*l.* proved to have been paid over in the way of bribes, and, amongst others, as it was alleged, to the then Governor of Bombay and to Members of his Council. The demand for inquiry into these circumstances had been denied. The Bombay Government had shown itself criminally careless of its character. From the statement of the present Chief Justice of Bombay it would appear that there was no improbability in these charges of corruption. According to Sir E. Perry all the secretariat were such persons as might have passed through the Insolvent Court. Those were the men who were accused. But the accusations continued to be disregarded—the accused Government of Bombay refused to vindicate itself—yet it was not entirely inert;

it crushed, it ruined its accuser. From his soul and conscience he (Mr. Anstey) believed, on the evidence thus afforded by its own acts, that the Government of Bombay was guilty of those charges. What confidence, then, he would ask, under all the circumstances he had stated, would the House place in any evidence which might be given by these men before a Select Committee as to the manner of transacting public affairs in the Presidency of Bombay? On the other hand, how could they reach those who might give the best evidence in reference to those secret matters of corruption and fraud, unless a commission was sent to examine into them on the scene of their action? He submitted that the House ought not to be content with any written or oral evidence which would be got up and brought to this country, for the purpose of bolstering up the case of the Bombay Government, the Court of Directors, or the Board of Control, before the Select Committee. The people of India would deride them if they should. They had no reason to believe that those persons who had heretofore been unworthy of trust, would be more deserving of confidence in future. There was at that moment a Bill passing through the House with the view of enabling them hereafter to take evidence for the disfranchisement of corrupt constituencies by means of a local inquiry. How much more strongly did the case of India demand such an inquiry! If Harwich and St. Albans were too remote, and their corruptions too intricate for the convenient exercise of the inquisitorial power of a Committee of Parliament, surely the difficulties of the inquiry proposed by the right hon. Gentleman were much greater, whether considered with regard to the distance of a territory separated from us by so many thousand miles of rolling sea, to the peculiarities of a population so much divided by prejudice, by language, and by creed, or to the complexities of the oppression under which they groaned. A fatality had attended the inquiries of previous Committees on the same subject; nor would Parliament be able to escape in the present instance. At one time the prospect of war with France interfered, at another time war was actually raging: and on the last occasion they were engrossed by the great discussion of Parliamentary reform. Thus on every one of those former occasions the state of India escaped inquiry. A nominal inquiry there was—searching inquiry there was not. He obtested the memories of every one of those great statesmen who took part in former inquiries. The prophecy of Sir James Mackintosh in 1828, five years before the Charter fell to be renewed, had been fulfilled, namely, that the subject would be brought forward at the last moment, pressed on with indecent haste, and passed improvidently into law. The same thing was to happen now. The House had but a few weeks of political existence. There would perhaps be a brief Session of a new Parliament during the present year; but that Session would be otherwise occupied, and local party strifes would exclude the completion of so great a question as this. They would have the Ministers pleading the force of circumstances, and praying them to pass a Bill without the delay requisite to ensure a fitting inquiry. If the Amendment were adopted, they would escape many of those difficulties. Let them not say that Lord Hardinge was here, and that Lord Dalhousie was coming home. and that all requisite information those noblemen could supply. Lord Hardinge, with his soldierlike and proverbial frankness, had declared, that of the civil administration of India he was scarce competent to speak, so entirely had the military duties of his position absorbed his attention. He (Mr. Anstey) did not believe that Lord Dalhousie was coming home: the Burmese war would not let him. But if he were, his answer would probably be the same. His time had been passed in the hills, on the frontier, or beyond it. He had rarely visited Bengal, and he knew next to nothing of Bombay and Madras. He asked the House to do for India what they had done for England. By their wise and timely attention to the prayers of a famishing people, they had made contentment to take the place of disaffection, and had maintained the English Constitution amid the storm of 1848, which overthrew every one of the great neighbouring Powers of Europe. Let them not despise to do the same for India. There was yet time to retrieve our past impolicy. But the time was passing away, and in a little it would be too late. The natives had long lost all confidence in our rule—they were now only sensible of its tyranny—"they would change their masters to-morrow," as a great statesman of our day has said, "without a sigh;" and indifference was fast ripening into the active hostility of vengeance. He conjured them not to repose any longer in a blind security. Let them make themselves acquainted with the real wants, and wishes, and wrongs of 150,000,000 of their fellow-subjects, who were discontented now—who might become disaffected hereafter. Let them inquire of themselves, and not of their taskmasters. Let them demand the best evidence, not that which is hearsay; and, above all, let them beware how they put their trust in the false profession of those irreconcilable enemies of the Indian people—the adventurers who had governed them, not for the advantage of the country but for their own benefit. And in that thought he moved the following Amendment:—

> "At the end of the Question, to add the words, 'And that an humble Address be presented to Her Majesty, representing the lateness of the Session, the near approach of the period when the powers and authorities under which the Government of Her Majesty's Indian Dominions is now carried on will naturally determine, and the urgent importance of obtaining a thorough insight into the condition of those dominions, and into the feelings and wishes of the Queen's subjects, Natives and Europeans, resident within the same, before Parliament is called upon to pass any measure for continuing the said powers and authorities; and praying Her Majesty for that purpose to take the necessary measures for sending Commissioners of Inquiry into British India, duly instructed and empowered to commence and prosecute all requisite inquiries in the premises, and to report the evidence, together with their observations thereupon, to Her Majesty in Parliament.'"

Mr. BAILLIE said, that as the hon. and learned Member for Youghal (Mr. Anstey) had had an opportunity of explaining the views and opinions he entertained on this subject to the House, he trusted the hon. and learned Gentleman would be satisfied with that advantage, and not press his Amendment to a division. If he understood the hon. and learned Member rightly, he was of opinion that a Royal Commission should be issued to proceed to India, to ascertain the sentiments and opinions of the native population of that country with reference to the manner in which the Government there had been administered under the auspices of the East India Company. Now he (Mr. Baillie) confessed that he entirely differed from the hon. and learned Member as to the best mode of obtaining that information, which, however, he believed the House generally were of opinion it was desirable should be laid before Parliament ere it proceeded to legislate for the future government of India. He did not think it was desirable that a Royal Commission should proceed thither to inquire into the complaints and grievances of all those different nations which now acknowledged the supremacy of British rule—nations, be it remembered, differing from one another in manners and customs—differing from one another in religion—differing from one another also in language, and spread, as the hon. Member had himself observed, over a space on the surface of the globe little less—if at all less—than that which was occupied by the whole of Europe. He confessed, then, that he did not think it would be desirable that so herculean a task as this inquiry would prove, should be intrusted to Commissioners appointed by the Crown. He was quite ready to admit that if Commissioners were to proceed to India, and it were understood that those gentlemen had gone there for the purpose of hearing the complaints and grievances of the people, no doubt their time would be very fully occupied; that very soon there would be a goodly array of complaints and grievances to lay before the House; and doubtless, as the hon. and learned Member had remarked, that never-failing source of complaint and grievance in India, the operation of the land tax, would be one of the most prominent of these complaints. The unfortunate settlement which took place under Lord Cornwallis—a settlement which he believed was entered into in great ignorance, not only of the manners and customs, but of the rights and privileges of the native population of India—had been a great misfortune, and had led to considerable injustice; but we were now unable to retrace our steps—at all events, we could not do so with reference to that settlement without committing still greater injustice to all those interests which had grown up in India during the last sixty or seventy years. But that this question of the land tax was the main grievance of the people of India, we had already ample proof before us. The very prospect of the appointment of a Committee of Inquiry had caused an association to spring up in India for the express purpose of laying that complaint and grievance before that Committee; a number of native gentlemen, many of them, he believed, men of education and intelligence—and some of them also of high rank—had associated together, as they themselves stated, for the express purpose of laying their grievances before Parliament. But, observe, these gentlemen did not ask that a Royal Commission should be sent out to India—so far from that, they said they were perfectly willing and able to lay their grievances before this House; and in order that the House might see the mode in which they proposed to do so, he would read a short extract from the programme they had issued, setting forth the grounds upon which they intended going to Parliament. They styled themselves the British Indian Association; and they stated that the society should be formed for a period of not less than three years; that its great aim and object should be to promote the improvement and efficiency of the British Indian Government by every legitimate means in its power, and thereby to advance the common interests of Great Britain and India, and ameliorate the condition of the native inhabitants of the latter country; and that as an object of primary importance the association should make such urgent representations to the Imperial Parliament of Great Britain on the occasion of the forthcoming discussions of the East India Charter as might be calculated to obtain the removal of the defects in the legal and civil administration, and promote the general welfare of British India. That showed, then, that these gentlemen had associated to bring their grievances before Parliament, and that they would avail themselves of the opportunity which would be presented to them for doing so by these discussions on the East India Charter. There was, however, a stronger proof still that these gentlemen did not wish a Royal Commission should be sent to India; for it so happened that they had addressed a petition to the Executive Government of India, and in that petition they actually stated that they did not want such a Commission to be sent out. That petition was addressed to the Deputy Governor of Bengal; and it stated distinctly that—

> "Your petitioners need hardly remind the Government that, when by the act of the Government and its officers in the North-West Provinces, many landholders were deprived of their lands by form of law, circumstances seemed to require the appointment of a special commission. The regulation of 1821 accordingly stands on record in the local code, as a testimony to the humanity of the British Government towards their native subjects. In the present instance, however, it is unnecessary to call such machinery into existence, to afford redress to those who have suffered from the arrangements subsequently formed."

Mr. ANSTEY: It was a local commission only.

Mr. BAILLIE knew that; but still those to whom he was referring did not seem to be of opinion that their grievances required any special commission such as this to be sent out. As he (Mr. Baillie) had before observed, he had no doubt that the land tax would be one of the great grievances brought forward; and the hon. and learned Gentleman also talked of the salt duties and the opium monopoly—in short, of all the standing grievances of India; but however much these taxes might be complained of, he very much doubted if the hon. and learned Gentleman, or any of the learned natives who were included in the new association, would be able to devise a scheme of taxation in India by which nearly 25,000,000*l.* of revenue could be raised there annually in a manner less obnoxious or injurious to the great body of the people, than the system which was now in force in that country. In discussing this question it was necessary that the House should bear in mind and clearly understand what was the object and the intention of the Government in proposing the appointment of this Committee. The House was aware, as his right hon. Friend (Mr. Herries) had already stated in his very able speech, that the present form of our Indian Government was established by the Act of 1833. Previous to the passing of that Act, a Committee was appointed to investigate every branch and department of the Indian administration. That Committee was composed, he believed, of seventy Members; and in order to facilitate their inquiries, they were subdivided into six sub-committees, each sub-committee undertaking to investigate one of the six branches of administration into which the business of the India House and the Board of Control was classified and arranged. Each of these sub-committes made a report, and the whole of the reports were comprised in not less than eight large blue books. He mentioned this merely that the House might bear in mind that, previous to the Act of 1833, the administration of the affairs of India underwent a full, complete, and searching investigation. It must be obvious, therefore, that the Government had no intention, nor indeed was it necessary, that such an inquiry should take place upon the present occasion. They were already in possession of the information which was procured by that Committee, and which was contained in the blue books to which he had referred. The question which was submitted to that Committee in 1832 was a very different one from that which must now be submitted to Parliament for its decision. In 1832 the question was not only whether the Government of India should be continued in the hands of the East India Company, by whom it had been so long administered, but whether those exclusive commercial privileges which the Company had so long enjoyed under their charter, should be continued or abolished. The question for decision now was a much more simple one. The question was one which regarded the principles upon which the government of India was for the future to be carried on; whether the powers which, by the Act of 1883, were entrusted to the hands of the East India Company, and which they had enjoyed since that period, should be continued, and if continued whether those powers should be in any way curtailed or restricted? These were the questions which were to be submitted to inquiry, and which it was for Parliament now to decide. It was deemed necessary by the late Government, and it was also deemed necessary by the present Government, that a Committee of Inquiry should be appointed as the best mode of obtaining that information—a Committee selected from the leading Members of all parties in this House, without any particular party view, in fact with no other view than that of benefiting and promoting, as much as possible, the interests of the people of India, as well as of the people of England; and it was the opinion of the late, as it was also of the present, Government, that the appointment of such a Committee would be the best mode of obtaining the requisite information. On that occasion he (Mr. Baillie) would not enter into any discussion upon those statements which had been made elsewhere with respect to the existing administration of the affairs of India, or as regarded the mode in which the patronage of the Indian empire had been distributed. These were all very fit and proper subjects for discussion; but he thought it would be somewhat premature to enter upon a discussion of them at that moment. He was of opinion, however, that Parliament would find it exceedingly difficult to devise a scheme by which such a vast amount of patronage could be distributed, that would not be liable to abuses and objections. If it were in the hands of Government, it might be used for party purposes—and it might be used for party purposes now; but if it were so, it was, at all events, spread over all parties in the House and the country; whereas, if it were lodged in the hands of Government, it would be used for the benefit of the party which chanced to be in power at the moment. The hon. and learned Member for Youghal (Mr. Anstey) had occupied considerable time by entering into the case of Colonel Outram. He (Mr. Baillie) would not follow the hon. and learned Member into all his details upon that subject, because the papers were not yet laid before the Board of Control, and he was not, therefore, in possession of the facts of the case. Colonel Outram was, no doubt, a very distinguished and a very able man; but as he was not in possession of all the facts of the case, he should only observe on this occasion, that, so far as he was acquainted with it, he thought the hon. and learned Member had been labouring under some great error in respect to many parts of the statement he had made. There was another question upon which the hon. and learned Member had also rather misunderstood his right hon. Friend (Mr. Herries). The hon. and learned Member seemed to suppose that his right hon. Friend contemplated withdrawing from the East India Directors the power of recalling the Governor General of India. But, as well as he remembered, his right hon. Friend expressed no opinion upon the subject, but deferred it for the consideration of the Committee. Upon one point his right hon. Friend agreed with the hon. and learned Member for Youghal, namely, in not anticipating that the labours of the Committee were likely to be brought to a close during the present Session of Parliament; but he did not think that that was a reason why they should not appoint the Committee now, and leave the inquiry to be carried on and completed in a future Parliament, if a future Parliament should so think fit. In the meantime he thought he might venture to assure the House that the existence or non-existence of this Committee would not weigh one feather in the balance in deciding the Government as to the course which they deemed it their duty to pursue with reference to bringing the present Parliament to a close; and he could assure those hon. Gentlemen who were anxious to meet their constituents at an early date, that the appointment of this Committee would not stand in the way of their doing so. The hon. Gentleman concluded by expressing a hope that the hon. and learned Member for Youghal would not press his Amendment to a division.

SIR EDWARD COLEBROOKE thought it important that the House should have some clear understanding as to the spirit and temper in which this investigation was to be made. He thought it would be best to forbear commenting upon the detailed statements which had been made with regard to the administration of India during the period that had elapsed since the grant of the last charter. In many of those statements he thoroughly concurred, whilst with some of them he might be disposed to differ. There was one question which he thought it necessary to notice—that was the employment of the natives in Government offices. He heard with great satisfaction the statement which the right hon. Gentleman had made as to the increased extent to which the natives of India had been entrusted with subordinate Government offices. That fact was an honourable testimony to the administration of the Court of Directors, showing a disposition on their part to deal impartially with the people of India. But he would have heard the statement of the right hon. Gentleman with much more satisfaction if it had been accompanied by some statement of the progress which had been made in improving the condition of the native population of India, and in endeavouring to give greater efficiency to the subordinate native service. The hon. and learned Member who had moved the Amendment, had made some statements with reference to the report of a Committee in which he (Sir E. Colebrooke) had some share—he referred to the Committee which had sat with respect to the growth of cotton in India. The hon. and learned Member had stated that the report of that Committee, in adverting to the wretched state of the great bulk of the population of India, had cast censure upon the administration of the affairs of that country. Now he (Sir E. Colebrooke) must take the liberty to say, that was not the spirit in which that report was drawn up; and he might say, further, that it was drawn up so as most carefully to avoid casting any censure upon the Government of India. The hon. and learned Gentleman's proposal seemed to him to labour under the incurable defect that it could only be adopted if the House was disposed to pass a wholesale censure on the administration of India. He thought the House would ill discharge their duty at present if they resolved on instituting a minute and detailed examination of all the departments of the Indian Government. A Committee of the House of Commons would be ill employed in trenching on subjects that fell properly within the scope of the Executive Government. In dealing with the question now before the House, he thought that the attention of the House ought to be mainly directed to the devising of means by which they could most effectually improve the machinery and the tone of the native service in India; for it must not be forgotten that the real government of India must be carried on in India itself, by men trained up in that country. There must originate all such measures as might be calculated to give happiness to the people. He entirely concurred in the statement which had been made by the right hon. Gentleman as to the wonderful success which had attended our administration of India. He believed that it was an anomaly in the history of the world. At the same time, he believed that there were defects in the system of government which was now to be submitted to the consideration of Parliament. Nevertheless, he believed that the success in our administration of Indian affairs had been most striking; and he thought it was attributable entirely to the government of India being entrusted to a body of men who had spent much of their life in the public service, previously to their becoming members of the Indian Government—men, who, in respect of their high qualifications, might be placed on a level with any body of men in the world. He believed that the system of double government, under which the affairs of India were administered, had contributed to the maintenance of that high standard of abilities which characterised the chief officers of the Indian Government. That double Government had also been a check upon Parliamentary influence. It had been a preventive against any gross abuse in the administration of Indian affairs. On these grounds he was desirous of maintaining, and even increasing, the present privileges of the Court of Directors. With regard to their general functions, he did not attach to them so much importance as some hon. Gentlemen. He thought that the right hon. Gentleman (who possessed more official knowledge than himself) laboured under some erroneous impression with regard to the functions of the Court of Directors. The right hon. Gentleman had spoken as if they were merely a consulting party. Now, the truth was, that the Court of Directors discharged very important functions. They had the joint appointment of all Governors; they had the separate power of recall; they had the power of originating all despatches;

and to them was entrusted the administration of all despatches. Many of them had been trained up in practical experience of administration in India; and were the extent of their experience better understood, their qualifications would probably be better appreciated in this country. With respect to the Board of Control, he thought the most serious attention of Parliament should be directed to the means of securing a body of higher qualifications, and one which should command a larger share of the confidence of the Indian public, since they certainly did not at present possess such authority and confidence in India as was desirable. He believed that unless some steps were taken to remove what he would call the corrupting influence which they possessed in the shape of patronage, the public need not expect any large amount of public spirit to prevail in the Court of Directors. Persons of high standing and influence would hesitate to come forward and fight a severe battle to obtain a seat in the direction of the East India Company as long as it was in the power of other persons to resort to that influence which was to be obtained by the bestowal of patronage belonging to the Company. With respect to the constitution of the service in India, there was an absolute necessity for doing something to raise the general standard of qualification in the judicial branch. Situations in this branch required the highest talent and character, and it unfortunately happened that most of the best qualified candidates were drained off to the diplomatic and revenue services, which demanded the first attention of Government, leaving only the refuse for the judicial branch. He had heard with great satisfaction the right hon. Gentleman's statement as to the success which had attended the employment of natives in the judicial branch of the service; but he apprehended that all endeavours to employ natives in that department would fail, unless those who exercised the functions of appeal possessed a far higher standard of qualification than now. The standard of the qualifications of those employed in the service of the Indian Government occupied the serious attention of the Committee which sat twenty years ago on the subject. Valuable suggestions were made by that Committee, and a clause was introduced into the Act of Parliament passed at that time on this subject, by which the field of competition for offices under the Indian Government was enlarged. In the course of a short time, however, an Act was passed by which the operation of that clause was suspended; and the state of things with respect to the employment of officers under the Indian Government was as bad as it was before the appointment of the Committee that sat twenty years ago. He hoped that the Committee now about to be appointed would enter upon their duties with a determination that their suggestions should not be got rid of in the same quiet way in which the clause in question had been disposed of. He considered that the object of the Committee was a most important one; and he trusted that the result of its labours would be to discharge some portion of the debt which the people of England owed to the people of India.

Mr. HARDINGE: Sir, I trust I may be permitted to say one word on the question now before the House, if it is only to express most humbly my satisfaction that Her Majesty's Government have determined upon dealing with this great question in a spirit of fair inquiry; because I believe the Court of Directors seek such an inquiry, and because it will tend, I am confident, to prove that they have not neglected the interests of the 150,000,000 of people committed to their charge. I would willingly vote for the Amendment of the hon. and learned Member for Youghal, if I could bring myself to believe that a Commission sent out to India would answer the purpose which this country has in view. I rather agree with what has fallen from the hon. Member for Inverness-shire (Mr. Baillie), that a Committee of both Houses of Parliament would collect evidence in a more practical manner. The question of taxation and landed tenure is one which requires mature consideration, as well as the legal condition of India; for Parliament must determine shortly whether the Law Commission is to be abolished, or re-established with sufficient provisions against any future failure. The hon. and learned Member for Youghal has laid great stress on the hardship and inequality of the land tax; but it must be remembered that that is a tax to which the natives of India have been accustomed from time immemorial, both under a Hindoo and Mahomedan dynasty, and that when fairly assessed it does not press with such great severity upon the population at large. And as regards our revenue system in India, I have always understood, when in that country, from those best competent to form an opinion, that the permanent settlement of Lord Cornwallis, although it may not have answered all the purposes for which it was intended, has yet proved a great incentive to agricultural improvement; and, as regards the settlement of the North-West Provinces, commonly known as the settlement of Mr. Bird in 1842, I believe that settlement has worked so well that the Bombay Government are now introducing it in their own Presidency. Sir, much misconception has arisen, and many mis-statements have been made, with regard to our taxation in India, more especially as regards the salt tax, or, as the hon. and learned Member has called it, the salt monopoly. Now, Sir, I do not think the term "monopoly" is strictly applied in this instance; because Government have during the last five years reduced that tax upwards of 15 per cent, which has led to an increase in the annual consumption of 28,500 tons. The price of salt has been materially cheapened to the consumer, and large importations, not only from Cheshire, but from Bombay, Ceylon, and the Madras coast, have taken place. Moreover, the tax upon salt cannot press so very severely on the natives of India, as it does not amount to more than 8*d.* a head on the whole population. I would, if permitted, make one remark upon the employment of natives, after the very satisfactory statement which the President of the Board of Control has made with respect to the education and employment of the natives. Much had been done since Lord W. Bentinck's time in that way. In 1844 vernacular schools were established, and the Governor General published a resolution throwing open to all natives, who were properly qualified, uncovenanted appointments in the service. I hope that that will be acted up to; for the deputy-magistrates appointed under a recent Act have, I believe, discharged very ably the duties which have devolved upon them, as well as the Sudder Ameens or native judges, and I believe there have been fewer, if not as few, appeals from their decisions as from those of their predecessors. It has been suggested in another place that the Royal army should be increased in India, and that proposal naturally requires grave consideration. One thing is certain, that it is on the fidelity of the Sepoy that we depend in India for the stability of our rule. As long as his caste and prejudices are respected, so long will he remain loyal and attached to British rule. The hon. and learned Member for Youghal has also laid great stress upon the abject poverty of the natives in India; but I confess, from what I have seen in that country myself, I am disposed to think that his statement is somewhat exaggerated. In Oude, in Cashmere, which I have visited, and in the Nizam's territory, rack-rents and extortion prevail; and the condition of the natives generally who enjoy British protection exhibits a very strong contrast as compared with the condition of those who are under native Governments. Whatever discussions may hereafter arise as to whether the present machinery of government shall be retained or not, it is generally admitted that the system of double government should be maintained, and that the patronage of India should not be absorbed and monopolised by the Crown. I beg to thank the House for the very kind indulgence which they have extended to me in making these few remarks, and I am confident that when the proper time arrives the House will approach this discussion with due caution, will calmly and dispassionately deliberate upon it, and not sanction any radical change, unless it be clearly proved that such change be really and imperatively called for.

Mr. HUME complimented the hon. Gentleman who had just sat down upon the ability and zeal he had manifested on behalf of Indian interests, and, from the practical knowledge he possessed of the natives of India, we should find in the hon. Member a steady and useful advocate of their rights and interests. He must express his decided satisfaction at the inquiry proposed by Her Majesty's Government; and he thought that with respect to the statements of the hon. and learned Member for Youghal, they contained many facts, no doubt, but they also contained much that was problematical and doubtful; and the object which he proposed was perfectly impracticable. There was a population in India of 100 or 150 millions, consisting of various tribes, and of diversified and distinct interests—how could a Commission possibly ascertain the interests of each and all? They must send a Commission to every one of them, in order to be effective; and where would they find men in this country capable of conducting such an inquiry? Recourse might most properly be had to the servants of the Indian Government—men of knowledge and experience; and he joined most heartily in the tribute paid by his hon. Friend to the services of those men; and he believed that the House would generally admit that, when great emergencies arose, no body of men could be found more zealous or efficient in the discharge of their duties. He was decidedly of opinion that they had a better opportunity of obtaining information in London, than by sending a Commission to India. If they sent a Commission at all, they must send it to Madras, to Calcutta, to Bombay, and to the North-Western Provinces, and they must send men of knowledge and efficiency. Again, he repeated, that the inquiry could be more efficiently and practicably carried out in London than in India. If that system of bribery existed to which his hon. and learned Friend alluded, and which so intimately affected the character of the Bombay Government, it could be better inquired into and ascertained here than on the spot. As to the charge of his hon. and learned Friend of exemptions being made with respect to certain imposts by the Indian Government, he could only refer to the example of this country, and he asked his hon. and learned Friend to remember the absurd regulations which had been made by our Home Government respecting the duties upon salt and other duties, before he brought so grave a charge against the Indian Government. If the free-trade principle which had been adopted in India were fairly carried out, much of the difficulty complained of would be removed. He was pleased to find that Her Majesty's Ministers had determined not to make a change with respect to the constitution of the Court of Directors, and that the Home Government had determined not to take upon themselves the impracticable task of managing the affairs of our empire in India. With the experience of the affairs of that country which he possessed, he felt bound to state that nothing could be more ruinous to the interests of India than such a step. His hon. and learned Friend had talked about the poverty of the people of India. He (Mr. Hume) admitted that poverty did exist in India; but he asked his hon. Friend if great poverty did not exist in England and in Ireland; and before the House came to a conclusion that such poverty was caused by the nature of the administration, it would do well to pause and consider. It must be borne in mind that poverty is but comparative; and he could speak from his own observations on the spot, that the Company's Ryots were more comfortable and prosperous than those that existed under native authority. His hon. and learned Friend had made a comparison between India and England: that was not a fair comparison; but let him make a comparison between India and our colonies in other parts of the world. The fact was, the population of India enjoyed greater prosperity and more contentment than that of any other of our dependencies. He repeated that he should deplore the day when the Home Government would take upon itself the administration of the affairs of India. He admitted that a certain control by the Ministry of the day would be fit and proper, but not such a control as existed—a control which gave to the Minister the power to do all the mischief—to occasion disasters, to cause expense, to engage in ruinous wars, ending, as had already been the case, in an expenditure of nearly 25,000,000*l.*; an expenditure caused by one man sitting in Cannon-row, who never consulted the Court of Directors. He hoped the Committee, when appointed, would think fit to enlarge rather than to restrict the control of the Court of Directors; and he would here say that he thought the constitution of that Court might be improved, that the men appointed might be of higher character—men who would carry greater weight, whose decisions would be more respected, and who would be possessed of the greatest knowledge and experience. He thought the Court ought to consist of men devoted solely to Indian business, and not of men whose time was taken up by their own private affairs, and who were only able to attend in order to give a vote. The Great Exhibition last year had shown to the people of this country the wonderful resources of India—the various and curious products from Bombay and Madras had opened the eyes of the people of this country to the greatness and importance of our Indian empire. As to the alleged deficiency of 760,000*l.* in the revenue and expenditure of last year, he could only say, if that deficiency had arisen from advances towards the execution of public works—towards irrigation, and the making of public roads, the money was well expended. Nothing was more important than that internal communication in India should be promoted. If the labours of the Committee were properly directed—and he must express his belief that it was the intention of the Government to carry it out honestly—it might be productive of the greatest benefit to India; but in order to make the labours of that Committee effective, men capable of giving the best information must be called before it, and examined, and the Government of India ought to send home such persons as they believed capable of giving the best information. He trusted the Committee would direct its inquiries into each of the departments of Indian affairs; and, though the Session would be but short (and he hoped it would be but short), much might be done before the new Parliament assembled in the way of procuring documentary and other evidence, so as to make the road to inquiry easy and certain. It appeared to him that one of their great objects should be to make the Court of Directors more responsible. Complaints had been made as to the system pursued at the India House; but, for his own part, he wished to see that system thoroughly carried out, for he believed that the mode practised there, of giving to each department a committee of inquiry, and then bringing the whole matter before the general board, was the very best system of administration, and that most likely to conduce to the welfare of India. For these reasons, he would desire to impress upon his hon. and learned Friend the propriety of withdrawing his Amendment, which was really impracticable in execution. He had as great a desire as his hon. and learned Friend to probe any abuses said to exist in India; but the manner in which he would carry out the inquiry was not practicable, and must lead to confusion.

Sir JAMES HOGG said, he did not wish to prolong the debate; but entirely concurred with the right hon. Gentleman the President of the Board of Control, that it would be much better to postpone the discussion till the Committee had made inquiry, and the House was in possession of full information on the subject. Speaking for himself and the great Company he had the honour to represent, he could only say their sole and most anxious desire was, that the most full and ample information should be laid before the House and the country; and with regard to the result of any inquiry that could be made, in common with every man in the House and out of it, they had only one wish—that it might be such as would tend most to the welfare of India, and to the advancement and prosperity of its countless inhabitants. He did not feel disposed to follow the hon. and learned Member (Mr. Anstey) into all the subjects to which he had alluded in moving for the Commission, for he scarcely was aware of one topic to which the hon. and learned Member had not referred. He did not wish to speak disrespectfully, but he must say he sat and listened to that speech with absolute amazement. He believed every man in the House who was in the least cognisant of Indian affairs, shared in that amazement. But he should not, perhaps, have noticed the hon. and learned Member's speech at all but for his concluding observations. No Member of that House—and he spoke it with great deference—could be justified in getting up and making a statement without full information as to the subject on which he spoke; and he asked the House what they thought of the statement made by the hon. and learned Member with regard to the case of Colonel Outram, in which, after denouncing all the authorities in India and at home, and if not directly asserting, at least indirectly insinuating, that they were guilty of the basest acts, and imputing to them the worst motives, when he (Sir James Hogg) told them that the hon. and learned Member, having some time ago asked for the production of papers on the subject, had been informed that they had not reached this country; and yet the hon. and learned Member, knowing that those papers were not in possession of the House, had made this statement, but did not give them the grounds and authority on which he made it? The hon. and learned Member had alluded to the circular sent by the Bombay Government. Now, he (Sir J. W. Hogg) craved their attention to this matter. Whether the rumours in the Bombay Government were well or ill-founded was of little consequence to the well-being of society, but it was true that rumours were afloat that certain indirect influences were at work in the Presidency, which were supposed to produce a certain result. Let the House observe, that if designing natives could only produce that impression, they could extort money from the native Princes under the belief that this money would be used at the Presidency so as to find its way to Members of the Government. What was the line of conduct adopted by the Bombay Government? They sent circulars to every political officer in the Presidency, telling him of the existence of these rumours, and desiring him to probe the matter to the bottam, so that they might ascertain who were the men engaged in setting these rumours afloat, and thus enable the Government to remedy the evil. As to Colonel Outram, no one could speak of that gallant and distinguished officer with greater praise and pleasure than himself. Few men had rendered greater services to India. When Colonel Outram received the circular, he entered into the inquiry heart and soul; and the scandalous treatment of the wretched widow of Baroda, of whom the hon. and learned Member spoke, and the infamous conduct to which she had been subjected, being exposed by him, he had received the approbation of his Government. ["No, no!"] With regard to the widow, his conduct had been approved of, and as to the subsequent proceedings we had not yet received the official papers. But this Government, who were stated to be so anxious to smother inquiry, had actually directed an inquiry to be made, and it was made—whether wisely or not he would not undertake to say—in open court, where everybody that pleased attended and took notes, and from the notes so taken the information of the hon. and learned Gentleman must have been derived. He regretted that the hon. and learned Gentleman was not in his place, for, had he not left the House, he (Sir J. Hogg) had intended to ask him whether he stood forward there as the advocate of Colonel Outram. If he did act as the advocate of that distinguished officer, what had been stated by the hon. and learned Gentleman would have due weight with the House, and with nobody more than with him; but his impression was that the hon. and learned Gentleman had never seen Colonel Outram in his life, and did not represent him now. He might be conscientious in what he stated, and was no doubt actuated by very honourable motives. He might believe that Colonel Outram was aggrieved, and wished to stand forward as his advocate; but, as the papers had not yet come home, he (Sir J. Hogg) did object to the hon. and learned Member getting up and making a statement which was injurious, not only to the Government but to individuals, when the whole facts of the case were not yet before the House, and, in fact, were not in the country. There was another course adopted by the hon. and learned Gentleman, which he thought exceedingly objectionable. He had been speaking of what occurred in 1851, but he immediately afterwards travelled back to 1843, and alluded to the report of the Advocate General, in the latter year, upon certain acts of misconduct of individuals then, thereby mixing the two transactions together; so that many of those whom he was addressing, must have thought that the transaction referred to in 1843 was one and the same with that in which Colonel Outram was engaged; whereas the two were entirely distinct and separate. It was certainly the fact that there were individuals in Bombay who had driven a trade by inducing unfortunate natives, with real or supposed grievances, to believe that if they only paid them well they would get their grievances redressed; and the Government of Bombay were most anxious to put a stop to this practice. With regard to the manner in which the hon. and learned Gentleman had denounced the Court of Directors and the Indian authorities, the interests involved were of too great and mighty and solemn a character to permit him to indulge in recrimination. Upon this point he would merely say that when the matter came to be laid before the Committee, the statements which had been made to the House would, if true, prove that the case of the Directors was a bad one; but, if untrue, they would prove injurious only to those who had ventured to make them. The hon. and learned Gentleman had said that he could place no reliance upon official information, and this was no doubt an explanation of the inaccuracy of many of his statements. He had declared that the country under English rule was becoming depopulated, and that the natives were flocking into the territories of the native princes. Now, the hon. and learned Gentleman might not be well informed on Indian affairs; but if he had only read the returns which had been made on this subject, he would have found that the population of the British territories per square mile was very nearly double that of the native Governments. His statement that there had not been a surplus revenue since 1798 was equally incorrect. As to the mode of collection of the revenue, he (Sir J. Hogg) need scarcely repeat a statement which he had often made in that House—that the land revenue was collected, not with reference to the crop, but to the productive power of the soil. The condition of the proprietary cultivators had greatly improved under the present system. By the last survey, which had been a most accurate and minute one, the net rental of the soil was ascertained, and of that rental 20 per cent was allotted to the cultivator or the tenant; 18 per cent to the *talookdar* or middleman, and 62 to the Government. In many cases there were no *talookdars* or intermediate men, and in these cases 30 per cent was allotted to the cultivating tenant, and 70 per cent to the Government. This was the principle upon which the assessment was generally made. It had been eminently successful, and was unalterable for thirty years. As to the duties of the Court of Directors, it was very strange that the hon. and learned Gentleman did not seem to know the difference between the duties of the Board of Control and the Court of Directors, and between the General Court and the Secret Committee. All matters of war and of treaty with native Powers were vested, and properly vested, in Her Majesty's Government, who, after framing a despatch on these topics, sent it, not to the Court of Directors, but to the Secret Committee, consisting of the Chairman, the Deputy-Chairman, and the senior Member of the Court; and for that despatch Her Majesty's Government was exclusively responsible. This, however, was a very small and minute part of the administrative government of India—the business of the financial, judicial, and other departments being vested by law in the East India Company, and transacted practically by the Court of Directors. All despatches came to the Court of Directors; and every despatch was prepared by the Court of Directors. It there went through the ordeal which his hon. Friend had described. It was framed by the Executive, and then submitted to the Committee of the department to which it belonged for consideration; the Court being divided into different Committees, to whom was confided the care of different departments. If it was approved by the Committee, well and good, if not the chairs were summoned and it was discussed. After having passed through the ordeal of the proper Committee, it was laid upon the table of the Court of Directors, and after a week's notice it underwent a discussion of the whole Court, sentence after sentence, paragraph after paragraph. The despatch then went before the Board of Control. It was either approved or disapproved of by that authority. It was said that a conflicting principle was thus introduced. Whatever the system might be in theory, there was no question but that up to the present it had worked most harmoniously. If the President of the Board of Control disapproved of the despatch which had received the approbation of the Court of Directors, the law gave the Directors a right of remonstrance; and if Her Majesty's Government desired to maintain the alterations which they introduced, it was necessary they should give their reasons for so doing. The suggestions and the alterations thus remained matter of record, and there was every practical precaution against any improvidence upon the part of the Directors, and every security that they should not act either unwisely, capriciously, or without due deliberation. This was the working of the system, from which it would be seen that the great body of Directors were separate and quite apart from the Secret Committee, and might know nothing of the particular business transacted by the latter. Another point that had been referred to was the patronage of the Court. It was a delicate thing for him to touch upon this subject; but he might state that an inquiry for which they had ample materials upon record—as they kept a register of those who made application, the person who asked, the person at whose recommendation the appointment was bestowed, and the person to whom it was given—had been instituted, by which it was shown that, out of 2,900 appointments, 1,100 were given to the sons of servants of the Company; 1,700 to the sons of the nobility, gentry, and professional men; and the rest were given, as they ought to be, to the sons of naval and military officers in the Queen's service; and the largest proportion of all to the clergy. It would be for the Committee to determine whether the patronage had been fairly administered. As to the imputation of seats in the Direction being purchased by the sale of patronage, there was abuse everywhere, but a greater abuse there could not be than for a man to purchase votes for a seat in the Direction by promises of patronage. It was most discreditable to both the parties concerned; he, however, could for himself solemnly declare that he never but once had such a suggestion made to him, and it was then made in a very remote manner. During his canvass no voter ever, either directly or indirectly, intimated to him that a return was expected for his support, except upon the occasion referred to, when the voter in a very remote manner hinted that he trusted that he should not at a subsequent period be forgotten. The consequence was, that he (Sir J. W. Hogg) left the room, declining the support which he would otherwise have accepted. It had been stated that the Court of Directors were not regular in attendance to their duties. By law there must be an attendance once a week. A great many of the Directors were not very young men. Some were in Parliament, others had their private business to attend to. He was curious to see what had been the average attendance of the Court for a period of five years. Out of the four and twenty men, there was an average attendance exceeding twenty at every Court. He could also declare that there was not a day in which there was not an attendance of from eight to ten Directors in the East India House. The hon. Member for Taunton (Sir T. E. Colebrooke) had referred to the disposal of the judicial business; and they were told that the judicial business of India was principally disposed of by native agency. Now, he desired to give the House a statement of the actual facts. He thought they would surprise the House, as indeed they had already surprised him. He was not now going to speak of Bengal, Madras, or Bombay, but of the whole of India. It was original jurisdiction, not appellate, of which he was speaking. In 1849, in the whole of India there were disposed of 258,574 cases; 256,151 of that number, or 99 per cent, were disposed of by native judicial officers. There were also disposed of in the same time 2,423 cases by European judges, or only 1 per cent of the whole number. It might perhaps be said that natives were entrusted with original but not with appellate jurisdiction. Now, he would give them the result of the appellate jurisdiction. In the same year as that to which he had referred, the suits disposed of altogether, the whole suits of India, including appeals, were 340,918, of which suits 319,554, or 93 per cent, were disposed of by natives, and 21,364, or 6 and a fraction per cent, by European judges. The only return relating to appeals was from the North Western Provinces, where the appeals were 15 per cent, and the reversals only 4 per cent. He thought that was a statement which would be very gratifying to the House, as well as to his hon. Friend the Member for Montrose. No man could agree more completely with that hon. Gentleman when he said it was requisite that in the Direction there should be competent men, having a knowledge of or connexion with India. It was eminently for the public good that there should be among the thirty Directors a portion of gentlemen of talent and intelligence who were connected with India. He was prepared to maintain that, whether the House went with him or not. But if any particular service predominated in the composition of the Directory, whether civil or military, the aggregate of particular feeling on any subject would amount to prejudice. Such a casualty should be guarded against. It would be very advisable that fresh blood should be introduced into the Court by the intermixture of those unconnected with India, who would bring their strong good English sense to bear upon the questions in debate. Many of the most useful men in the Court of Directors, whose long experience had made them singularly conversant with Indian affairs, had been men who never saw India in their lives. Such men were Sir Francis Baring, Sir Hugh Inglis, Mr. Bosanquet, Mr. Astell; he did not choose to mention the names of his Colleagues who were unconnected with India, but whose experience and intelligence were of the greatest benefit in the administration of their affairs. Let the House remember, however, from 1813 to 1834 that twenty-six vacancies had occurred in the Direction, and that only ten were filled up by persons unconnected with India; and that since 1834 to the present time, out of twenty vacancies, there had been only one single Director elected who was unconnected with India. He was a Member of that House, and known to all of them for his ability and moderation. In conclusion, he begged pardon for having so long occupied their attention, which he had done solely for the purpose of stating that the Court of Directors had no object in view, had no wish whatever, except that of seeing the wisdom of Parliament arrive at that conclusion on this subject which would tend most to the welfare of India, and conduce most to the advancement and prosperity of the people of that country.

Sir ROBERT H. INGLIS thought that no one ought to rise after the hon. Gentleman (Sir J. W. Hogg) without beginning by acknowledging his obligations to him, not only for the conclusive answer he had given to the Amendment of the hon. and learned Member for Youghal, but for his very valuable contribution of facts and arguments with regard to the original Motion. He would however, beg to suggest that there was one error in the speech of the hon. Baronet—an error of which few besides himself would have taken notice—relating to one who had always received honour wherever mentioned, and who chiefly deserved honour from him—he meant his father—and he therefore ventured to set the hon. Baronet right in one particular respecting him. The services which his father was enabled to render as a Member of the Court of Directors were, perhaps, facilitated by the fact of his having had some experience in India itself. The present subject was one of great importance, he might say, to the domestic interest of England; but certainly no question was more entitled to consideration as a great Imperial question than the present, and yet so true was it that, since the time of Burke, India had been the dinner-bell of the House of Commons, that there had been periods in the course of that evening's debate, when it would have been difficult to find a House present of the requisite numerical strength; yet this was a question affecting the interest of, at the lowest calculation, 110,000,000 of our fellow creatures, a number which he believed might be increased without exaggeration to 150,000,000—a larger number, he believed, that had, at any period of modern history, certainly in Europe at least, been entrusted to the government of one individual. He did hope, therefore, that if not the House, yet the Committee to which the functions of inquiring into this subject might be delegated, would enter upon their duties with a deep feeling of their responsibility, since not only was the temporal welfare of this vast population at stake, but also their more important and eternal interests. He was not one who regarded our empire in India as the result of the combination of chances, or as the creation of those most valiant and intelligent men who had rendered themselves famous in that country, but he looked on it as entrusted to us by a Power before whom we must all of us humble ourselves. The right hon. Gentleman, in introducing the present Motion, had spoken of the gradual increase of the means of spiritual instruction which England had provided in India of late years; but he might have gone farther back, and shown that exactly as the means of religious instruction had been increased in India for the benefit of their fellow subjects who had expatriated themselves, so much the more had their fitness for the discharge of their duties increased. When, however, he looked at the imperfect nature of the means which were even at present provided, he could but hope that the Committee would have their attention specially directed to this subject, and that they would feel it their duty to make that instruction more commensurate with the wants of the country. He believed that the duties devolving upon the present energetic and admirable Metropolitan of India, whose diocese extended 2,000 miles from south-east to north-west, could not possibly be adequately discharged by one man. With respect to the general character of the civil servants of the Company, he believed it to be above all praise. The House would remember the encomium of Mr. Canning. Mr. Canning selected three men for the government of Presidencies—Sir T. Monro, Mr. Elphinstone, and Sir J. Malcolm—each one of whom he declared to be equal to any man in the civil service of England. What would be said of the system which produced and promoted such individuals, but that such a system deserved to be encouraged and maintained? He believed that out of thirty Directors of the East India Company, twenty-one carried to that Court the experience they had derived in the financial, military, civil, diplomatic, and maritime service of the Company. If it were said that the other Members of that Court had not been in India, it might be replied that it was necessary to have an English feeling and English habits of business in that Court, and that it was not desirable the Members of the Court should be exclusively taken from those who had served in India. With regard to the patronage, the tables which had been adduced of the distribution of patronage sufficiently refuted any charge of a corrupt or unworthy exercise of their power on the part of the Directors. He trusted, therefore, no alteration would be made in the constitution or patronage of the Court of Directors, especially when it was considered that their direct power had of late years been exercised but once, to recall a Governor General; and when it was considered that that recall was signed by one who had been Deputy Governor of Bengal, by two who had been Members of Council, and by other individuals of experience at least as great in Indian affairs as that of the noble individual in question; and sanctioned by the concurrent approbation of almost all men possessed of information in Indian affairs, he thought that that would not be looked upon as an unjustifiable use of their authority. As to concentrating that patronage in the hands of the Minister, he would say that whether it were the Earl of Derby, or the noble Lord above him (Lord J. Russell), it would be putting a temptation in their way that neither their own virtue nor their regard for the constitution of the country would lead them to accept. The time required for the inquiries of a Commission such as that the hon. and learned Member for Youghal proposed to send out to India, would be utterly inconsistent with the idea of Parliamentary legislation upon the present position of the Company's affairs; and he hoped the hon. and learned Member would not put them to the trouble of dividing on his Amendment. He should certainly support the original Motion.

Lord JOHN RUSSELL said: Sir, there has been so general a concurrence on the part of the House in the Motion of the right hon. Gentleman, that I certainly do not feel it necessary to offer more than a very few remarks. I rise, indeed, principally to state what in my own mind appears to me the view with which the Committee should be appointed. I wish to take this opportunity of stating my opinion upon this point more particularly, because from some expressions which have fallen from the right hon. Gentleman, it might be supposed that the Committee about to be appointed was one to decide the future government of India. I think that was not the meaning of the right hon. Gentleman, when he moved the Committee, nor of the House, when they assented to it. It must be the intention of Her Majesty's Government that they shall retain in their own hands the power of submitting, when the fitting time arrives, such propositions as they may think wise and politic, to Parliament, after the Committee has made its report, and that Parliament retains in their own hands the power of deciding upon those propositions when submitted to them. I wish, therefore, to say that while I think the appointment of the Committee extremely useful and desirable, and that if I were in the Government I should concur in its appointment, the Committee will be useful in the way of collecting information and making suggestions; and that this is the view in which it is to be appointed, more than as a Committee entitled in any way to decide upon the vast question of the future government of India. I say this the more readily, because in my own mind—and I think from what I can gather that this is the impression of the right hon. Gentleman also—there is not much doubt as to the general nature of the future government of India. I am satisfied with the experience which we have had since 1833 of the operation of the Act which is now to be inquired into. I will not enter into the question of the way in which we have obtained the government of India. The hon. Baronet (Sir R. H. Inglis) says that Divine Providence has named us to be the rulers of that great empire. Be that as it may, we find ourselves in this generation with a vast responsibility imposed upon us of giving a Government to that great empire and that vast population. In so doing, our chiefest our greatest care must be to provide in the best possible manner for the welfare of the millions committed to our sway. That being our first care, it is obvious that there are some advantages which we can give them, which they had either not at all, or in a very modified proportion. In the first place, our great power ought to enable us to guard them against the ravages of civil broils and petty wars, which is the secret of much of the misery under which the people of India have heretofore groaned. In the next place, we ought to be able, with our knowledge of the true principles of justice, to give the people of India an able and impartial administration of justice. In the next place, we ought to afford them the men whom the great abundance in this country of ability for political administration will permit. In the next place, we ought to provide —and that is the most essential of all— for the education and the improvement of the people of India, both in regard to practical measures of government, and the administration of justice, and likewise for their education in those rules of practical morality which ought to govern nations. I believe, in all these respects, if we have not fully and completely, still we have in a great degree, under the Act now under consideration, performed our duty to the people of India. Under our sway there have not been those wars between small States which end in the aggrandisement of one of those petty kings, but which, at all events, end in the degradation and affliction of the people. Under our sway there has been introduced an administration of justice more impartial, and, I believe, more pure than has heretofore been known to the people of that country. Under our sway men of the greatest abilities and experience have gone to India from this country, whether occupying the supreme command as Governors General, or whether in more humble capacities, such men as those the hon. Baronet has alluded to—Sir Thomas Munro or Mr. Elphinstone. Under our sway there have been lately introduced those methods of instruction and practical teaching in the arts of government which elevate the people, and from which at the present time India has derived great advantages, but which I trust are as the smallest sum compared to what she will hereafter derive. Well, we have done this, and done it without interfering with the religious feelings of the people. We have taken care that those who belong to the European race should likewise have spiritual instruction and enlightenment. We have done much, whatever may be the origin of our power, to justify ourselves in maintaining our rule over India. If I were to compare our rule with that which exists in other Eastern nations, if I were to compare that rule with that which exists in Turkey, with that which is administered in Persia, it is impossible to deny that India has been free from that baseness in the administration, corruption in the offices of government, civil war, and rebellion—that from these evils the people of India have in a great degree been saved by the rule which we have established. And as regards the Act of 1833, although suggestions may be made for improvement in some of its details and in particular provisions—I will not say that no advantages are to be derived from certain changes—yet I believe, in its great outlines, that Act will be preserved in the Bill which Her Majesty's Ministers will submit to this House. There is another remark, closely connected with the other, and that is upon the construction of the government of India. Upon this subject, likewise, I contend that although such a form of government—the converting a trading Company into the administrators of an empire of 150,000,000 of people, and having that controlled by a Minister of the Sovereign at home—is a form of government which theoretically is liable to much criticism under adverse circumstances; yet I must say, in spite of that, the benefit of experience shows us that it is a government useful to the people of India. My hon. Friend the Member for Montrose, speaking with the experience and with the weight which properly belong to him, entirely approves of the mode of government established in this country for the affairs of India, though he says he is disposed to wish for some amendment with respect to the power of declaring peace and war. Now, with respect to that subject, I must say, without reverting to any particular instance, whether that discretion has been wisely used in that particular instance, I think a great subject of that kind is not to be considered entirely as an Indian question, but must be viewed with regard to our interests in Europe; and it is far better, when a question of that kind is to be solved, that it should be solved by the advice of the Ministers of the Crown, than that the ultimate discretion should be left with the East India Company. But when I say this, I am quite of opinion that the general administration of the affairs of India should emanate, not as the President of the Board of Control seems to me to represent it, from the Minister of the Crown, but from the Directors of the East India Company—that, with regard to all matters of finance, all matters of legislation, all matters of justice, they should give their suggestions and frame their instructions, and that only the power of approbation or objection should rest with the Minister. It is evident, if such is the case, in most instances the opinion of the Directors will be that which the Board of Control will be glad to approve, and practically the Directors will be left unburdened by those considerations. With this question, too, is connected the question of patronage; and upon that question again we cannot but perceive that a problem has to be solved which affects not merely the Government of India, but the constitution of this country. I quite agree with the hon. Member for the University of Oxford (Sir R. H. Inglis), who spoke last, that if it so happened that the Ministers of the Crown should have the entire disposal of all the revenues of India, so far as government and patronage are concerned, it would be a very serious danger—it might be, perhaps, a fatal danger—to the constitution of this country. I think it most fortunate in this respect that a medium should have been found, by which rule over India is well provided, and there is no lack of able men to conduct its administration, and there is, at the same time, safety to the constitution of this country, and safety to that vast empire under the sovereignty of the empire of the United Kingdom, without injury to the working of our constitutional and Parliamentary government. I therefore, seeing all these circumstances, should very much lament if I thought that the right hon. Gentleman opposite was about, either himself, or by the means and agencies of a Select Committee, to propose any great changes in the government of India. I am convinced myself that although you might change, you might alter without any serious evils, some of its details, you would not be able to alter the principal outline of that government for the better. Indeed, I was happy to collect from the right hon. Gentleman the President of the Board of Control that such in general were his views, and that good and beneficial effects had flowed from the government of India as thus administered. I am convinced, under the present mode of government with respect to that most important of all points, namely, the selection of the Governor General, who must have such vast power, and must decide many questions before instructions can reach him—I am persuaded, both from experience and from the nature of things, we have settled that question in such a manner that we do get to India men of the greatest eminence and ability. The present Governor General has showed the greatest talents in the administration of Indian affairs; and the speech of an hon. Gentleman to-night cannot but remind us that a near relation of his conducted the government during trials as severe and success as great as ever occurred in India. Seeing that, I rejoice to think that the appointment of this Committee, while it affords materials of legislation to Parliament, while it may elicit many valuable suggestions, is not likely to change the fundamental principles of government in that country.

Mr. GOULBURN said, if he could imagine that the Motion was calculated to fetter by the report of a Committee, the full and free liberty of decision by Government as to the future mode of governing India, he should not be found supporting the Motion of his right hon. Friend; but he thought his right hon. Friend had laid down most distinctly in his speech that which was sufficiently apparent from the Resolution he proposed to move—that the inquiry should be confined to ascertaining what had been the operation of the present Act with respect to India, to lay before the House what were the circumstances which related to the Government of India, and to educe from the information procured, grounds upon which the House might come to a judgment, whether the measures hereafter proposed by Government were such as ought to be acquiesced in. It was with that view that he gave his cordial concurrence to the appointment of this Committee; and he should not have said one word beyond that, had it not been that throughout this debate there seemed to be a studied omission of one branch of inquiry which he thought essential, which had been touched on by his hon. Friend (Sir R. H. Inglis), but had been altogether passed over by others who had entered on the question. One great branch of the inquiry he conceived ought to be, what had been the results of that system of religious instruction which was introduced in 1833? He said introduced, because previously the means were scarcely worthy of notice. One great object to ascertain was, how far the means of religious instruction for the people of India had been carried out under the Act of 1833—whether those means had led to the favourable results which were anticipated—and, if not, how those means could be made adequate to the extension of the Christian religion throughout the whole of that large population? The noble Lord had told them that they had conferred great advantages upon the people of India, and he enumerated the reform of their judicial administration, the education of the people in political matters, and the extension of general education; but he conceived the noble Lord felt it necessary on the occasion to forbear alluding to that which ought constantly to be placed before them, the mode in which they could confer upon the population of India the advantage of a knowledge of a purer faith than any yet made known to them. He knew that great alarm had formerly been felt on the subject of the introduction of Christianity into India. It was supposed that excitement and insurrection would follow if Christianity were attempted to be introduced; but circumstances had since come to light which had dispelled that opinion. In one of the earliest charters of the Company, in 1698, it was a specific injunction on the Company to place in every garrison and settlement a minister of religion approved by the Archbishop of Canterbury, not merely for the instruction of the civil servants of the Company, to whom the noble Lord seemed to intimate that religious instruction ought to be confined, but it was provided also that those ministers should learn the native language so as to convert the Hindoos and introduce among the inhabitants of India a purer faith.

Subsequently, owing to events at home, it was thought fit to omit all allusion in the charters of the Company to the subject of Christian instruction; but latterly we had felt the pressing importance of communicating the blessing of Christianity to the people of India, and he thought, therefore, it ought to be one of the leading objects of the inquiry before the Committee how that could be best effected. It appeared to him that if there existed any difficulty on the subject, inquiry would expel it. At no time could inquiry be more effectually conducted. There were men in England competent to give the Committee the best information, from their experience in India, how the religion of the Church of England had been extended, and might be still further extended there, and to satisfy them that those restrictions which at present prohibited allusion to the Christian religion might be safely dispensed with. On former occasions it was urged that the prejudices of the people were such that by attempting to disseminate the principles of Christianity among them, we should incite rebellion and insurrection, and that it was in vain to attempt to overcome those prejudices, or to moderate them. But since then, many of these inveterate prejudices had been overcome; and one meritorious officer, by his own exertions and prudent management alone, had induced the Rajpoots, who were most bigoted in the practice of suttee, to abandon that practice, so revolting to all our feelings. He considered that the empire of India had been confided to us for great and important objects. He was sure it was not given for the gratification of our national vanity, as a field on which to exercise the valour of our troops, as a means of increasing our national wealth, nor even for the improving the judicial and political relations of the different States of which that empire was composed. It imposed on us the high moral duty of taking such measures as prudence, combined with zeal, would justify for the purpose of spreading over a heathen continent the knowledge of that truth which was essential to our own happiness, and which, extended abroad, he believed might be essential to the happiness of millions yet unborn. Sir Thomas Munro had said—

> "There is one great question to which we should look in all our arrangements—namely, what is to be the final result of our government on the character of the people, and whether that character will be raised or lowered. Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present; or are we to endeavour to raise their character? It ought undoubtedly to be our aim to raise the minds of the natives, and to take care that whenever our connexion with India shall cease, it shall not appear that the only fruit of our dominion had been to leave the people more abject than when we found them. It would certainly be more desirable that we should be expelled from the country altogether, than that our system of government should be such an abasement of a whole people."

He (Mr. Goulburn) asserted this country could not fulfil the wishes and objects of that great statesman otherwise than by disseminating the truth of religion; and he trusted the result of the labours of this Committee would be, as it must be if prosecuted, to incite us to future exertions in spreading the Gospel without the fear of exciting those discontents which were so dreaded, but which experience had shown so far to be altogether groundless.

SIR HENRY WILLOUGHBY hoped the Committee, when appointed, would bear in mind that since the last renewal of the charter, one of the most disastrous wars which had ever afflicted that country had taken place, costing an enormous amount of treasure and blood. He thought it a point most deserving their attention, that that war was commenced in the teeth of the wishes of the whole Board of Directors, and that it was no consolation whatever when they found that the President of the Board of Control was alone responsible for it. But he rose to call the attention of the House to another point. There was a great deficiency of information of what passed in India. Take finance, for example. They all knew enormous revenues were collected in India. The President of the Board of Control had told them that it had increased from 18,000,000*l.* to 24,000,000*l.*; but the expenditure had increased in a greater proportion. It appeared that there was no authorised public officer who from time to time could give that House information; and therefore he thought it worth considering whether the President of the Board of Control should annually make an Indian budget, as, he believed, was originally intended. They had been talking of deficiencies to-night, and an hon. Member supposed that a deficiency of 750,000*l.* had arisen from the sums that had been expended in improvements in India. Surely it ought not to be a matter of speculation. He did not think it was spent in improving India, but in the same costly wars to which he had alluded. He was sorry he was obliged to agree with the hon. and learned Member for Youghal as to the mutilation of despatches. Their only means of knowledge was from documents, and the information of parties who had been in India; and if it were true that many documents, under the title of extracts, were so extracted as to give a meaning contrary to the true intent of those documents, he thought no words were sufficiently strong to characterise such a proceeding. He feared there was too much evidence to show that the despatches of Sir Alexander Burns had been so treated. The question was, whether Dost Mahommed was the proper prince to support or not; and it was alleged that all those parts which showed that Prince's good disposition were excluded from the despatches in order to make out an opposite case. At all events Sir Alexander Burns, who was a distinguished officer, complained of the way in which his despatches were treated. It was also said that some despatches were not put upon record. That was of still more importance, and the neglect or omission of which might lead to serious results. He trusted these matters would receive the attention of the Committee, and that they would consider the most effectual means for preventing their recurrence.

MR. MANGLES said, that he was sincerely anxious that the blessings of Christianity should be extended to the people of India; but he did not think that the Government, as a Government, should take any active part in its promotion. By doing so he thought they would baffle the object which they had in view; and he considered that it was the duty of the Government to hold the scales even, and afford fair play to the dissemination of the truth. This had been done hitherto. It was perfectly notorious that under the present charter no restraint had been imposed upon the efforts of the missionaries, and these efforts had been made, and were making, not merely by missionaries connected with the Church of England, but by the Church of Scotland, and many denominations of Dissenters. If the Government undertook to attempt the conversion of the people of India, the only effect would be to raise up a great body of hypocrites, seeking to curry favour by the simulated adoption of Christianity. He considered that the Government should confine itself to its proper sphere of duty—the protection of all its subjects, including, of course, the preachers of the Gospel. The free preaching of the Gospel was all that should be secured; and as regarded its effects, he knew himself that from the free preaching of the missionaries many persons had been converted, and were as sincere and earnest Christians as any Members of that House. It would not become him to express any opinion on the constitution of the Board of Directors; but he thought an improvement might be introduced in the mode of electing that body. The canvassing required by the present mode of electing Directors practically operated to deter the highest class of officers who had returned from India from seeking a seat in the Direction. Men of his own humble standing in the service of India did not mind the trouble of a personal canvass; but men like Sir Thomas Munro and Mr. Elphinstone could not be expected to do so. He thought that a very great improvement would be effected if some means could be devised by which men of that class might be admitted to the Court of Directors, without going through what to them would be the degradation of a personal canvass among a large miscellaneous body. It had been asserted in the course of the debate by the hon. and learned Member for Youghal, that the condition of the people in the native States was superior to that of the people who were under our own sway; but he must say that it was impossible for any one who had personal knowledge of the subject to come to that conclusion. He remembered that, many years ago, when he was marching through the kingdom of Oude, which was the garden of India, he heard cannonading going on every day on each side of him, that being the ordinary process of collecting the revenue. When Delhi first came into our possession, a regiment was required to collect the revenue, but now it was as peaceable as the county of Middlesex.

Question, "That those words be there added," put, and *negatived.*

Main Question put, and *agreed to.*

Ordered—

"That a Select Committee be appointed to inquire into the operation of the Act 3 & 4 Will. 4, c. 85, for the better Government of Her Majesty's Indian Territories; and to report their observations thereupon."

PASSENGERS ACT AMENDMENT BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. SIDNEY HERBERT said, that hon. Members were doubtless aware that this Bill was based upon the recommendations of the Committee which sat last Session to inquire into the operation of the Passengers Act of 1849. It applied principally to the passage of emigrants between Great Britain and Ireland and the United States; but in order that the law, if the Bill should become law, might be effectually carried out, it was necessary that the action of the United States should be the same as our own on the subject. The existing Passengers Act of the United States was somewhat more stringent than the British Passengers Act, and therefore no inconvenience would arise on that score. But the present Bill proposed that certain alterations should be made in the dietary of the passengers. Instead of raw food being issued twice a week to the passengers for themselves to cook, which it was often impossible for them to do, as they suffered so much from sea sickness, and were unable to get to the galley fire till late, and sometimes not at all, so that they were obliged to eat their food raw, and suffered greatly from dysentery in consequence—instead of this, the Bill proposed that cooked rations should be issued to them daily. Now, we could enforce these regulations in the port of Liverpool, but there was no security whatever that in a voyage between a British port and the dominions of the United States, the law would be carried out, unless we could prevail upon the United States Government to adopt the same system. What he wished therefore, was to get our Government to make an application to the United States to alter their own law on the subject, so as to meet the case provided for by the present Bill. It would not be necessary to do this simultaneously, nor was it essential that the regulations should be precisely the same; but he thought that the United States would meet this plan, because they had a greater interest than we had in the safe passage of the emigrants, and in their arrival in such a state of health as to be capable of immediate self-support, instead of becoming a burden to the port where they landed. He had every reason, therefore, to hope that the Government of the United States would act upon the system proposed by the present Bill, and he was confirmed in that anticipation by the opinion expressed by an American gentleman whom he had consulted on the subject. With regard to the whole Bill, he could only say that he should be happy to give it his warm support. It embraced the recommendations of the Select Committee, and he thought that a case of very great hardship and suffering had been made out, which it became that House to remedy.

SIR JOHN PAKINGTON said, he should be very glad on the part of Her Majesty's Government, to carry out, to the extent stated by his right hon. Friend, the wish which he had expressed for a communication with the Government of the United States. He (Sir J. Pakington) felt very strongly that it was by no means desirable to enter into any communications which would delay the passing of the Bill; but he agreed that it would be proper to negotiate with the United States for the purpose of insuring uniformity in the regulations of the two countries, so that the law might be fairly carried out.

In reply to an observation from Mr. DUNCAN,

SIR JOHN PAKINGTON said, that the proposal made by the hon. Gentleman was, that the sole authority should not be given to the emigration officer, but that the Collector of Customs at the port might be appealed to if necessary. He hoped that, upon reflection, the hon. Gentleman would not press that suggestion. Practically speaking, a sufficient Court of Appeal existed already in the Emigration Commissioners, and he was told that in point of fact captains of ships had never had occasion to complain of the emigration officers, who were generally very competent persons.

MR. CARDWELL thought the question was a very difficult one, and he had no desire to press the objection invidiously, but he begged to say that great jealousy was felt respecting powers so extensive being vested in a single person, without the possibility of appeal. The right hon. Baronet the Colonial Secretary said that an appeal would lie to the Emigration Commissioners; but such an appeal would be costly, and would occasion delay—one of the worst evils that could happen to an intending emigrant.

SIR JOHN PAKINGTON said, the emigration officers, who, under the clause as it stood, would have the power of decision, were very competent, and were naval officers, acquainted with nautical matters; and the appeal would probably be to parties less competent to decide, and having no nautical knowledge at all. However, he would consider the question, and endeavour to see if any practical appeal could be suggested.

Clause *agreed to;* as were also Clauses up to 20, inclusive.

Clause 21, which relates to the accommodation for sick passengers.

MR. SIDNEY HERBERT said, he hoped the right hon. Gentleman the Colonial Secretary would reconsider this clause, because it proposed to allow the same space to sick persons in hospital as was allotted to persons in health; but the cabin for the sick was to be divided off by bulkheads, whereas the general compartment for the rest of the passengers was required to be lighted and ventilated. He thought a greater amount of space ought to be allotted to the sick, and that there should be a stipulation in the clause to that effect. In the case of the sick this clause did not specify that their berths should be properly lighted and ventilated. The Americans gave a larger space than forty-eight superficial feet for each person, which was the English allowance of hospital-room. That amount of space in a cabin that was boarded off, would be insufficient even for persons in health. He hoped, therefore, that the clause would be amended, so as to secure first, efficient light and ventilation for the sick; and, next, a larger space for them than was allotted by law.

SIR JOHN PAKINGTON said, he considered the general regulations as to lighting and ventilation sufficient to provide for the case of the sick as well as of the healthy passengers, and he saw no necessity for introducing any special provision of the nature suggested.

MR. SIDNEY HERBERT said, that a different arrangement with regard to lighting and ventilation was necessary for the sick, because they were to occupy an enclosed space, while the general passengers were all to occupy one general compartment. The amount of space allotted for the sick, which was to be more than was allotted for the healthy, would be taken as a maximum.

SIR JOHN PAKINGTON said, the language of the clause was "no less than so many." How that could be called a "maximum," he could not understand. It was the minimum.

MR. SIDNEY HERBERT said, it would be practically the maximum, for this reason, that nobody would give a single inch more space than they were necessitated to do by law.

Clause *agreed to:* as were the remaining clauses.

House resumed. Bill *reported.*

POOR LAW BOARD CONTINUANCE BILL.

Order for Second Reading read.

LORD DUDLEY STUART said, that he entertained great objections to this Bill, but as the present Government had only been in office so short a time, he did not think it was unreasonable that they should propose to continue the present state of things for a limited period; and as he did not wish to offer any factious opposition or to obstruct the progress of public business, he should not therefore oppose the second reading. He thought, however, that the continuance should be for as limited a period as possible, and he should, therefore, in Committee, move an Amendment, limiting it to the year 1853, instead of 1854, as at present proposed. He should also move the addition of a Clause, exempting from the jurisdiction of the Poor Law Commissioners all parishes in which the administration of the Poor Law was provided for by local Acts.

MR. WAKLEY said, he wished to ask the right hon. President of the Poor Law Board, whether it was true that the vestry of the parish of St. Pancras having dismissed the governor of the workhouse for incompetency, the Poor Law Commissioners, knowing nothing of what had locally transpired, had, under the authority vested in them by the Act of 1834, refused to allow the dismissal?

SIR JOHN TROLLOPE said, that the vestry having dismissed the governor of the workhouse, that officer had appealed to the Poor Law Board to inquire into the circumstances under which he had been dismissed. The vestry had, however, refused to furnish the Poor Law Board with any information on the subject, and they had, therefore, in order to get at the facts of the case, been compelled to call upon the vestry, through the medium of a Court of Law, either to reinstate the governor of the workhouse, or to give valid reasons for his dismissal. The Poor Law Board had no wish to withhold their assent to his discharge, but they wished to obtain that information on the subject which had up to the present time been refused.

MR. WALPOLE said, that he had found a correspondence had been going on with the parish of St. Pancras, in which serious charges were made against the master of the workhouse. The vestry dismissed him. He then applied to the right hon. Gentleman lately Secretary of the Home Department for inquiry. The vestry refused information, and there was no course by which to get at the bottom of the matter unless they were brought into a Court of Law. There was no course but to call on the parish to reinstate that person, or to give a cause for his dismissal. Possibly the vestry decided rightly. All the Poor Law Board did was to ask for information. They could only call on the vestry to reinstate an officer against whom no charges were proved.

Bill read 2°.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, April 20, 1852.

MINUTES.] PUBLIC BILLS.—1ª Law of Evidence (Scotland).

3ª Patent Law Amendment (No. 2); Bishoprick of Quebec.

ROYAL ASSENT.—Personal Estates of Intestates; Commons Inclosure; Municipal Corporations Acts Amendment; Protection of Inventions Act, 1851 (Extension of Term); Indemnity; Mutiny; Marine Mutiny.

COLLEGE OF MAYNOOTH (IRELAND) ACT.

The MARQUESS of CLANRICARDE: A fortnight or three weeks ago a noble Earl (the Earl of Albemarle), who is not now present, put a question to the noble Earl opposite (the Earl of Derby) similar to that of which I have given notice. [*See page* 580.] I did not happen to be present at the time, but I have read the answer given by the noble Earl with considerable astonishment and alarm. The question referred to the intentions of Ministers as to the maintenance or repeal of the Act for the endowment of the College of Maynooth—a subject of very great and serious importance; and it is necessary that the country should have some clear and decided intimation of the course which the Government intend to pursue. Recollecting the conduct of the noble Earl who introduced the Bill in 1845, by which the endowment was made permanent instead of being confined to an annual grant, I confess I was astonished that he had any hesitation in stating distinctly the intentions of the Government with respect to that Institution. The question is one of infinite importance, and far beyond the mere allowance of 26,000*l.* a year to a collegiate establishment. The question is not a mere question of money, but is a matter of national importance, and was so represented by the noble Earl in 1845. I will shortly recall to your Lordships' recollection the grounds on which that endowment was proposed to Parliament. When it was proposed to read the Bill for rendering the grant to Maynooth permanent a second time, a noble Earl (the Earl of Roden) moved, as an Amendment, that a Select Committee be appointed to inquire into the character of the education given to the students there; and in opposing that Amendment the noble Earl opposite (the Earl of Derby) used this language:—

> "They asked whether this measure was to stand alone? He replied, that this was to be taken by itself; but, at the same time, to be taken as an indication of the future conduct of Government. The Government desired that this measure should be considered in the eyes of the people of Ireland as a manifestation that the Government resolved to treat them with conciliation, and in a spirit as honourable to their Roman Catholic subjects as to any other portion of Her Majesty's subjects. This was not to be treated as the harbinger of future measures, but as an indication of what would be the conduct of the Government towards Ireland. He believed that it would be so received in Ireland."—[3 *Hansard*, lxxxi. 113.]

Now, my Lords, I quote that for the purpose of showing the real importance of this subject, and that it is, as the noble Earl says, an indication of the policy which has been pursued towards Ireland and towards the Roman Catholics of that country for several years by successive Governments; and I wish to recall to your Lordships' attention the importance of throwing no doubt whatever on the continuance of that system of policy. The answer given by the noble Earl (the Earl of Derby) on a previous occasion was, that there was no intention of interfering with the endowment of the College of Maynooth by the Government "at present." Now, my Lords, that qualification is a most important qualification. No person knows the value of language better than the noble Earl, and he knows that to use such a phrase on such an occasion must necessarily raise a doubt on the mind of every person who heard or read it, whether there was not some hesitation, some misgiving, some doubt on the part of the Government, as to the propriety of continuing the grant to Maynooth at some future period. I hope that none such is entertained. But this is a subject which ought not to be left in the dark, but on which the Government ought to be clear and explicit. If I was surprised at reading the answer of the noble Earl on the occasion to which I have alluded, my surprise has been greatly increased within the last few days, because I have here the speech of no less a person than Her Majesty's Solicitor General, a gentleman of great eminence, professional and Parliamentary; which speech the position of that Gentleman with regard to the Government has rendered of the greatest importance. I will read one short sentence, which I think is pregnant with meaning, provided he speaks with all the authority which may naturally be supposed to belong to a person in his position. That hon. and learned Gentleman, the Solicitor General, in addressing the freeholders of Suffolk at Woodbridge a few days ago, used this language:—

> "What I feel it my duty to say upon that subject is this, that although no man would be more reluctant, nay, no man would more steadily refuse than I would to be a party to any Act, however expedient, however just on other grounds, by which the good faith of Parliament might be compromised, yet I shall support, and cordially support, the Motion for a Committee of Inquiry into the whole circumstances attending that grant, which is about to be brought before the House of Commons. And if, Gentlemen, as the result of the inquiries of that Committee, and as the report of that Committee, it shall be found that, consistently with the good faith of Parliament, and consistently with what becomes all public men to observe, strict honour and integrity with their fellow-countrymen, it is possible to put an end to that grant, I, for one, shall rejoice in concurring with the Government, of which I am an unworthy Member, in an Act entirely to put an end to it."

My Lords, I will now state what construction I think that this language of the Solicitor General will bear; and if I am mistaken I shall be most happy to be corrected by the noble Earl. It appears to me that Sir Fitzroy Kelly clearly expresses this opinion—that he considers it would be wise—that he considers it would be desirable—to put an end to the College of Maynooth, and that he has reason to think that he has the concurrence of the Government in that opinion; but that he is debarred from taking any step in that direction by some compact, or some engagement, into which it is his intention, and the intention of the Government, to inquire, with the view, if they can release themselves from this engagement, to put an end to the College of Maynooth. Now, my Lords, I do not know whether this is a correct construction of the meaning of Sir Fitzroy Kelly; but it appears to me that the language of the hon. and learned Solicitor General conveys that impression to the minds of his audience as clearly as any man can wish to convey any impression to the minds of an assembly which he may have occasion to address. Now, my Lords, if that be so, I should like to know to what Committee the hon. and learned Gentleman refers. It must be one of which the Government have not given public notice in this or the other House of Parliament? The only notice which I have seen for a Committee on this subject in the House of Commons is the following, which appears in the Votes of that House. For Thursday next it appears there is a notice of the intention of Mr. Spooner to move for a Committee to inquire, not into any contract, not into any engagement, not into any matter of good faith by which the operations of the Government or Parliament are fettered, but to inquire into the system of education carried on within the walls of that institution—a totally different object from that referred to by the Solicitor General. But, my Lords, the question to be mooted next Thursday was mooted in this House in 1845. When the Bill for the permanent endowment of Maynooth was under discussion in the House, a Motion was made by the Earl of Roden, not that the Bill be rejected, but that a Select Committee be appointed to inquire into the system of education pursued at Maynooth. That Motion was wisely rejected by your Lordships, and the Bill was adopted. I am not going to say a word about the course which the Solicitor General points out as desirable. It may or may not be a wise course to go into such an inquiry, and it may or may not be wise to consider whether the College of Maynooth is to be kept up or put an end to; but I say this, that it is a subject upon which the Government of this country have no right to leave the people of this country and of Ireland in the dark as to their intentions. If the Government entertain the opinion indicated by the Solicitor General, then that opinion ought not to have been promulgated for the first time by one of its inferior officers on the hustings at Woodbridge to the constituency of Suffolk, but which ought to have been promulgated to the country by one of Her Majesty's Ministers either in this or in the other House of Parliament. I cannot imagine that the Parliament and Government of this country are bound by any contract to keep up an institution which they may desire to put an end to. I utterly deny that that was the ground on which the grant to Maynooth was supported, or on which it ought to be rested. It may or may not be desirable to continue such grant, but to say that Parliament and the country cannot alter or repeal an Act of Parliament, is perfectly absurd. It never was so stated when the grant was made permanent. The case was not so argued by Sir Robert Peel in 1845. That right hon. Gentleman said on that occasion there were three courses open to the Government—first, to continue matters as they were—secondly, to put an end to the College of Maynooth—thirdly, to place it on a satisfactory footing. The question must be taken as a matter of policy in the way pointed out by the noble Earl, and must be decided on its own merits. If it be true that it was important, as the noble Earl declared it to be in 1845 to pass that Act declaring the permanency of the grant to Maynooth as an indication of the policy of the Government toward the Roman Catholic population of Ireland, how infinitely more important must be the question of the reversal of that policy? This question is one of such immense importance that the Government must make up its mind to announce its determination. If I was astonished first of all at the answer of the noble Earl, I was still more astonished at the language of the Solicitor General, because that hon. and learned Gentleman was Solicitor General to the very Government which originally brought in the Bill to render the grant to Maynooth permanent. He made no objection to it then; he was responsible then as he is now for any Act which may be passed. He supported Sir Robert Peel, and he now presents himself to a constituency as a person opposing the grant. This naturally brings one to inquire what was the conduct of other Members of that Government; and that consideration makes it still more important that we should have a clear explanation on the subject, because there is no doubt that a great number of the persons who are now connected with the Government opposed the Act of 1845. In the division on the second reading of the Maynooth Bill, I find amongst those who voted against the endowment the names of Mr. George Bankes, the present Judge Advocate; Major Beresford, the present Secretary at War; Mr. Stafford, now Secretary to the Admiralty; Mr. G. A. Hamilton, now one of the Secretaries to the Treasury; Mr. Henley, now President of the Board of Trade; Mr. Christopher, now Chancellor of the Duchy of Lancaster; and Mr. Disraeli, now Chancellor of the Exchequer. I have not quoted these names for the purpose of making any personal attack. But I say, when this ambiguous language is held by the Government on a subject on which there ought to be no ambiguity—when we cannot look to the conduct of the Government on this as we may on other subjects, so as to learn what their true policy is—I say it is a matter of the utmost importance to ascertain what their future policy is to be. I do not think any charge of inconsistency can be brought against individuals who may have been opposed to the Maynooth grant in 1845, and who now, after having seen that Act in operation, and having found that the results are not what its advocates alleged were to be expected from it, are yet not disposed now to repeal it. Still it ought not to be forgotten that they had been originally opponents of this measure. But when there is such ambiguous language on the part of the Government on a subject on which no ambiguity of language ought to rest, and when the House cannot look at the past conduct of the Members of that Government with any degree of satisfaction, it is a matter of the most pressing importance that we should know distinctly what their future conduct is to be. I do not think a charge of inconsistency can be brought against the right hon. Gentleman the Chancellor of the Exchequer. I had the advantage of hearing the remarkable speech of the right hon. Gentleman on the occasion to which I refer, and no doubt he grounded his opposition to that measure not merely upon the measure itself—though that was an element in his address—but the whole tenor of his speech was, that he had a want of confidence in the men by whom the measure was brought forward. Upon that ground he opposed it. I will quote his language now, because I think, in reference to this particular subject, he expressed general principles, which I think apply most strongly to the general government of the country, and which most strongly apply to the position in which at the present moment the Ministers and their adherents are placed. He says—

> "Let us endeavour to put an end to the misconception and subterfuge which now surround us. If you are to have a popular Government, if you are to have a Parliamentary Administration, the conditions antecedent are, that you should have a Government which declares the principles upon

which its policy is founded, and then you can have on them the wholesome check of a constitutional Opposition. What have we got instead ? Something has risen up in this country as fatal in the political world as it has been in the landed world of Ireland—we have a great Parliamentary middleman. It is well known what a middleman is. He is a man who bamboozles one party, and plunders the other, till, having obtained a position to which he is not entitled, he cries out, 'Let us have no party questions, but fixity of tenure.' I want to have a commission issued to inquire into the tenure by which Downing Street is held. I want to know whether the conditions of entry have been complied with, and whether there are not some covenants in the lease which are already forfeited."—[3 *Hansard*, lxxix. 565.]

Now, the great principles there laid down are sound Parliamentary principles, and it does not do for the noble Earl opposite to send his adherents and Members of his Government down to popular constituencies of different kinds, and there to—I do not wish to use a disagreeable word—but, at least, to give in to their uninformed bigotry with the view of catching votes; to hold language which is likely to excite sectarian feeling, while at the same time it is of that doubtful character that men really cannot know what are the views of the Government upon which the affairs of the country are to be administered. I do not enter into the question of the maintenance or non-maintenance of Maynooth; but I say, if the noble Earl passes this question without any declaration of the opinions of the Government—if those opinions are to be got in different localities from different individuals—he will run the risk of exciting such a spirit of religious animosity and hostility as will not embarrass his Administration, but may lead to most serious comsequences for the Empire. It is not a fair or creditable way in which the Government are acting. It is not the way in which I believe the noble Earl can wish to act, and I have no doubt that in a straightforward manner he will answer my question as to what the intentions of the Government are with respect to the Maynooth grant.

The Earl of DERBY: I am sorry the noble Marquess was not in his place in the House when a question was put to me on the same subject on a former occasion, for it might have saved your Lordships listening to the same answer now which I then made. In the first place, I believe the answer I then gave was not precisely as the noble Marquess has quoted it. What I said was, not that there was no intention on the part of Government to propose any alteration with regard to the grant to the College of Maynooth at present, but that the Government had no present intention to propose any interference with the Act which was passed for the endowment of Maynooth in 1845; and I added to that statement a qualification, which the noble Marquess has not referred to, for I said that I had to observe, nevertheless, that the attitude maintained by the Roman Catholic Church, and the spirit of aggression which it appeared to have adopted, added very materially to the difficulties of those who desired in this country to defend the endowment. I must say that I think the difficulty of defending the continuance of the grant will be considerably increased by the speech just made by the noble Marquess; because there are only two grounds on which the vindication of that grant can rest. The first ground is that of general policy, and the second that of good faith, given or implied by the Government of this country. With regard to the second ground, I believe it is the one upon which a large portion of the people of this country consent to a continuance of a grant very repugnant to their principles and feelings; but the noble Marquess throws over the question of good faith altogether, and thinks Parliament in no respect bound by good faith, or by any compact, engagement, or obligation, to continue the grant. The noble Marquess, therefore, rests the defence of the grant on the ground of the general policy alone. The policy of the grant, from the first up to the present moment, was the desire of giving to the Roman Catholic priesthood of Ireland, within the Queen's own dominions, a sound, liberal, theological education, in the hope and expectation that that liberality on the part of Parliament, continued from year to year, and confirmed by permanent enactment in 1845, would produce the effects which might naturally be expected—an enlightened and well-educated priesthood—one well affected to the Crown of this country—disposed to inculcate principles of charity and forbearance and peace among all classes—and loyal to the Sovereign, and obedient to the laws of the land. This, my Lords, was the principle of the policy which originally dictated and subsequently confirmed the grant to the College of Maynooth. The noble Marquess has stated that he could easily understand the conduct of those who in the year 1845 opposed the grant on principle, and who afterwards, when the law was passed—there the noble Marquess stopped, and would not say, "and when the fruit which it produced was clearly seen"—the noble Marquess said that he could easily understand the conduct of those who, first opposing, afterwards supported the law, or at any rate did not press for its repeal, and that he did not see any inconsistency in their so doing. My Lords, I confess—and I confess with deep regret—that I think the converse of the proposition equally true, and that there may be, as there are, many persons who supported the original grant in the hope and expectation that it would produce far other fruits than it has produced, but who would be guilty of no inconsistency if they should have altered their opinions as to the policy of the Act, from the experience which they had subsequently acquired. My Lords, the noble Marquess, having more leisure time on his hands than I have, is able to study the newspapers, and to read the speeches of Members of the other House, and he has referred to some of them on the present occasion. But I must beg to disclaim generally, on the part of myself or of any Member of the Government, being here made responsible for any newspaper report of any speech on any hustings; but still more of being made responsible for any gloss or comment, or for the accuracy of any comment, which the noble Marquess may think fit to put on such supposed speech. I know nothing of the speech in question; but as far as I could collect from the speech of the noble Marquess, it would appear that Her Majesty's Solicitor General is of opinion that the policy which dictated this grant to Maynooth, has not produced all the good effects hoped from it. That opinion I believe the Solicitor General shares with a very large portion of the people of this country. I understood the noble Marquess further to say that the Solicitor General had stated to the constituency of Suffolk that a Committee was about to be moved on the subject. Now, as the noble Marquess has himself stated, no such notice of Motion has as yet been given by Her Majesty's Ministers in either House of Parliament; but a Committee, as the noble Marquess also stated, is about to be moved for, not, however, by any Member of the Government, but by an independent Member of the other House; and if that Committee should be appointed, and if the result of that Committee should be to prove, not only that the system of education adopted at Maynooth had failed of producing the fruits expected from it, but also the point which the noble Marquess seemed disposed to abandon, namely, that there was no obligation of good faith on the part of Government further to continue a policy which had been unsuccessful, then the Solicitor General appears to think, that in that case, he should be ready to concur in any course which might be suggested, not in putting an end to the College of Maynooth, but in putting an end to the endowment of Maynooth. I concur with the noble Marquess in thinking that it is not by the speech of any individual on any policy—that is, not by a declaration made by an independent Member, or even on the hustings by Members connected with the Government, that the course of Government is to be guided. If there be any change of policy intended by the Government, I agree with the noble Marquess that it is here or in the other House that such a change of policy should be avowed. I must repeat, that Government have no present intention of altering the existing state of the law with respect to Maynooth; but I will add, that if circumstances should arise to alter the views which they entertain, and to lead, as a consequence, to an alteration of their course of conduct, ample notice will be given to the noble Marquess in this House, and to the friends of the noble Marquess in the other House, so that they may have an opportunity of taking such steps as they may think necessary, either for the purpose of opposing an alteration—not at present in contemplation—or for the purpose of taunting individual Members with supposed inconsistency between present principles and past conduct.

Earl GREY said, that the answer of the noble Earl opposite (the Earl of Derby), was by no means satisfactory. The noble Earl, who was a Member of the Ministry which passed this grant, had, in 1845, represented the measure as one which it was of the gravest importance should be passed, and he had appealed to their Lordships, as statesmen and as Christians, not to reject the measure. Well, if the responsibility of imposing it was great, the responsibility of repealing it after it had been seven years in force, must be considerably greater. Their Lordships had a right to know what were the intentions of the Government upon this point. The noble Earl said that the Government had no present intention of proposing any alteration in the law with respect to the Maynooth grant. He laid great stress upon the word "at present," and threw out various reasons why it might be possible, indeed probable, that the Government might hereafter come to a different conclusion. This, however, was not a subject upon which the Government should allow any doubt to exist. The country had a right to ask the noble Earl to answer the question. They need not pledge themselves never to repeal the Act of 1845; but they should say whether the opinion they entertained in 1845 was altered or not. Did the noble Earl, who, in 1845, appealed to Members of the House of Lords as statesmen and as Christians, not to take upon themselves the fearful responsibility of rejecting that measure, did he still regard the measure in the same light? Did he think the endowment should be maintained, or that it should not? That was a plain question; and it was proper that the Government should plainly reply to it. A right hon. Gentleman—now a prominent Member of the Government—when in Opposition, contended with great ability and truth that it was necessary a Government should act upon some clear and distinct principle. It was questionable whether the right hon. Gentleman's observation was peculiarly applicable to the occasion on which it was made; but no doubt could be entertained as to the truth of the constitutional principle which it enunciated. Why, then, did not the Government shape its conduct by that rule? Every one was aware that great efforts were being made to excite strong feeling upon this question amongst the electors in different parts of the country; and it was not fair that the Government should stimulate that agitation, or increase the existing hostility between different religious denominations, by refusing to express an opinion either the one way or the other upon this subject. He hoped, therefore, that the noble Earl would give some more distinct answer to the question, as to whether he really adhered to the opinion which he expressed in 1845, or whether he had seen cause to abandon that opinion. It was also proper that it should be known whether the opinion was merely his own private opinion, an abstract opinion, like that which he entertained in favour of the reimposition of a duty on corn, or whether it was the opinion by which the Government was to be guided in its policy. The noble Marquess had not contended that it would be a breach of faith to repeal the Act of 1845; but he maintained that there was an implied promise to the people of Ireland that the endowment of Maynooth would be maintained. For his own part, he entertained a strong opinion that it would be little short of a declaration of war against the great body of the people of Ireland to take away the grant from Maynooth, and at the same time to leave the revenues of the Established Church, and the endowments of the various classes of Protestant Dissenters, untouched. He hoped that in this important question the Government was not about to adopt the unfortunate course which they had taken with respect to corn, and to decline expressing any distinct opinion; that they were not going to permit Gentlemen occupying the position of the Solicitor General and of Secretary of the Treasury to fish for Anti-Catholic votes, while they themselves carefully avoided committing themselves to any line of policy upon this important subject. That was a course which it would be quite unworthy of the position in which the Ministry stood, and he trusted therefore that some Member of the Government would give a more distinct answer to the question than the noble Earl had given.

The MARQUESS of CLANRICARDE wished to know whether he had correctly understood the noble Earl at the head of the Government to intimate that his course on this subject was dependent on the result of an inquiry to which he had referred?

The EARL of DERBY said, that he had referred to what the noble Marquess had himself referred, and he added that he was aware, from the Votes of the House of Commons, that an inquiry into the system of education pursued at the College of Maynooth was to be moved for by an independent Member of Parliament, not by the Government. Further than that he said nothing, and further than that he would say nothing.

EARL GREY: Does the noble Earl adhere to the opinions he expressed in 1845?

The EARL of DERBY: That is a question which the noble Earl has no right to ask of me, or any man; but, since the noble Earl has called me up, I will add this—that I am greatly disappointed in the result of the measure of 1845.

The EARL of MINTO: Then I understand the noble Earl to have stated that it is not his intention, as at present advised, to disturb the existing arrangement respecting Maynooth. I wish to know whether, in the event of an attempt being made from another quarter to disturb that arrangement, the noble Earl is prepared, on the part of the Government, to resist it?

The **Earl of DERBY**: If the noble Earl will put upon the paper a notice of his intention to move for the repeal of the Act of 1845, I will then intimate to him the course which the Government is prepared to pursue with reference to that question.

The **Earl of HARROWBY** would be glad to know whether the noble Earl who had been cross-questioning the noble Earl at the head of the Government himself entertained the same opinions on this subject as he did in 1845? If he did, he formed one of a very small body of persons. Very few persons in that House had found their anticipations with respect to the Act of 1845 fulfilled. The object of the grant was the education of a loyal Roman Catholic priesthood. Had that result been obtained? In the next place, the grant was intended to educate priests for Ireland alone; but there was reason to believe that the money was expended in training priests for the Colonies, and England as well. If this should prove to be the case, the question would assume an entirely new aspect. What he desired was preliminary investigation. The people of England should have an opportunity of knowing all the facts connected with the subject. He believed that facts had been much misrepresented in 1845, and that, among other things, the statements of the privations endured by the inmates of the College were incorrect. As the noble Earl (Earl Grey) had called upon the noble Earl at the head of the Government to declare whether he adhered to the opinions expressed by him in 1845, he called on the noble Earl to state whether he himself adhered to the opinions he then held as to the result of the measure?

Earl GREY certainly thought that his noble Friend (the Earl of Harrowby) had taken a somewhat unusual course; but it was one to which he had not the remotest objection. He was not aware that he had expressed, in 1845, any opinion as to the results of the measure, and for the best of all reasons, because he had not formed one. He did not support it in their Lordships' House, for he was not then a Member, and he believed he did not speak upon this question in the House of Commons. But, if the noble Earl wished to know his opinions, and whether he was satisfied with the results of the measure, he must tell him that he never expected very much from it. The Minister of the day had refused larger concessions, such as he (Earl Grey) thought were necessary for the instruction of the great body of the people, and he refused to correct the anomalies of the Irish administration; but he granted this, at the same time, as a conciliatory measure to the Roman Catholics, which he (Earl Grey) believed would have been accepted in the same spirit. In that view he gave it his support. He (Earl Grey) had always thought, and he thought at this moment, that the state of things with respect to the endowment of different religious bodies in Ireland, was one which could not and ought not to be permitted. They had in Ireland the great body of the people professing the Roman Catholic religion; they had a Church endowed with very considerable wealth, drawn from property which, 300 years ago, was in the hands of the Roman Catholic Church, and which, in the opinion of that Church, was still hers. That property was now transferred to the minority. They had endowments for the Protestant Dissenters, who were more wealthy than the Roman Catholics. And while this was the state of things, neither from the public revenue, to which the Roman Catholics contributed, nor from the property of Ireland, which was taken from the Roman Catholic Church, from no source whatever, has the education of the people been provided for, except by this small grant that was given annually by Parliament to support the Roman Catholic College of Maynooth for the education of the priesthood. It appeared to him then, as it appeared to him now, that that was an anomalous state of things, which ought not and could not continue. If matters were reversed, and Ireland were to become the more powerful country, and such a state of things were imposed upon us by the Roman Catholics, he, as an English Protestant, would never be quiet until he succeeded in effecting an alteration of that arrangement. He judged of the feelings of the Roman Catholics of Ireland from what would be his own under similar circumstances; and he believed that such a state of things could not continue with justice to the Irish people, or with safety to the Empire. He considered that that injustice should be modified—perhaps as far modified and mitigated as the circumstances of the times and the then state of public feeling would allow; and those who proposed the measure did not differ from him in the reasons which rendered it necessary. It was with those views that he gave the measure his support; but to say he had any confident opinion that the measure would establish any good system of education at Maynooth, or that the system adopted then would work any marvellous good, was entirely contrary to the fact; but still he accepted it in the form in which it was tendered by the Government. Now, he hoped his noble Friend would confess that he had perfectly and clearly explained his opinions; that, whether right or wrong, he had not shrunk from fairly and honestly explaining them. But whether these opinions were right or wrong, they were those which he had entertained from the time when he first took his seat in the other House of Parliament, and which from that to the present day had uniformly guided his public conduct.

The MARQUESS of LANSDOWNE had certainly no intention whatever of taking any part in the conversation; but when his noble Friend near him (the Marquess of Clanricarde) was accused of having taken a somewhat unusual course in putting his question to the noble Earl opposite, he would also take a somewhat unusual course in answering a question which had not been put to him. He presumed, however, that this question had been addressed by the noble Earl on the cross benches (the Earl of Harrowby) generally to those who thought it their duty to support the measure of Sir Robert Peel, in order to ascertain what were their motives and expectations in giving that support. Having been one of those who strenuously supported the measure, he felt himself bound to state, on the present occasion, that though he certainly did not exclude from his consideration the hope to which the noble Earl opposite had adverted—that it might produce a favourable effect upon the Roman Catholic clergy—that was not the exclusive ground of his support. He looked to no such bargain as the noble Earl opposite seemed to think he did. He, therefore, did not adopt the ground which the noble Earl had assigned for his support; but he adopted the other which he had assigned, and which Sir Robert Peel gave as his reason for the measure—the importance to the Protestants of England that the Roman Catholic clergy of Ireland should have as good an education as the Protestant clergy. That object was not only dear to Roman Catholics, but to every member of the community who, not being able to ignore or to prevent the existence of the Catholic religion in Ireland, had a deep and common interest in the education of that clergy being conducted according to the most approved forms of the Catholic Church, and subject to the inspection and observation of the State. That was the ground of a statesman, and upon that ground he supported the measure. He supported the measure also on another ground, and he should be glad to know from his noble Friend on the cross benches (the Earl of Harrowby) whether he had seen any reason to change his opinion in that respect. That ground had not been adverted to by the noble Earl, though it was at the time the measure was passed, and it seemed to him to be one of a very important character, namely, that it having been found necessary by every Minister during a period of thirty years to come down and call upon Parliament to do that which it was not willing to do without more or less reluctance, opposition, and strife, the measure was introduced as a kind of provision against a standing inconvenience, which was detrimental to the interests of the country, and calculated to excite strife, political dispute, and irritation. Therefore he, for one, felt obliged to the Government of that day, at the head of which were Sir Robert Peel and the noble Earl opposite, for the measure which they took, as far as in them laid, to put an end for ever to those disputes and animosities which had the effect of renewing and reopening a sense of grievances which it ought to be the object of all wise Governments to cover over, palliate, and, if possible, to obliterate. As he knew, therefore, the immense importance of avoiding the constant recurrence of these mischievous discussions, whether in or out of Parliament, he adjured his noble Friend opposite and the Government of this country not hastily to adopt any course that should lay the foundation once more for the perpetual renewal of those annual conflicts which would be sure to follow an annual grant, and which would be attended by all those evils to which he had alluded. He had thought it right to state thus much, because he had supported the measure, and was prepared to support it again, not with any desire or expectation—though he wished that such might be the consequence, of conciliating the loyalty of the Roman Catholic priesthood—but because he believed the public at large would be gainers by the maintenance of the vote; and he was sure no one in that House was prepare to say that by withdrawing the vote from that institution the loyalty of the Catholic clergy would be increased.

Whenever the repeal of that measure came to be proposed, he hoped he should have the honour of supporting his noble Friend in opposing that proposition.

The **Bishop of CASHEL** protested against the statement made by the noble Earl (Earl Grey), that the property of the Roman Catholic Church in Ireland was transferred at the Reformation to a Church and hierarchy representing the opinions of the University. No such thing happened. Of the Roman Catholic bishops at the Reformation the greater number embraced the Reformed faith, and continued in their sees. It was no more the fact that the Roman Catholic priesthood in Ireland were robbed of their property to be handed over to the Protestant priesthood, than that the Roman Catholic priesthood in England were robbed of their property to have it handed over to Protestants. The property in both cases passed the same way. The Church property in both countries was not given to the Roman Catholic clergy because they were Roman Catholics, but given for the maintenance of religious truth. The Church of England and the Church of Ireland stood on the same ground, and any noble Earl who stood up and accused the Protestants of Ireland of robbing the Roman Catholics of Ireland made the same accusation against the Protestants of England. No doubt, as the noble Earl had said, there was a larger number of Roman Catholics in Ireland than there were Protestants; but the Protestant Church of Ireland had been endeavouring, not without success, to bring the light of a purer religion to the Irish Roman Catholics. Conversions had taken place to a greater extent than was generally believed; and it was a singular fact that the majority of the people of Ireland who went to the land of liberty—America—and were freed from the persecutions of priests and neighbours, conformed to the Protestant Church. From the *Quarterly Review* he collected these facts:—The population of America was 23,000,000; 3,000,000 of that number were Irishmen born in Ireland; 4,500,000 were of Irish descent; and of the whole number of 7,500,000 Irish in America, the annals of the Propaganda only claimed 1,663,000; thus showing how many Irishmen received the truth through the instruction given by Protestant ministers.

Earl GREY admitted that at the time of the Reformation, Roman Catholic prelates went over to the Protestant Church in Ireland as well as in England; but there was this remarkable difference, that in England the flocks went over with their shepherds to the Protestant religion; while in Ireland the pastors led the way, but the flocks refused to follow. He could not help adverting to the remarkable statement made by the right rev. Prelate at the conclusion of his speech. He said that when the Irish people emigrated to the United States they very often conformed to the Protestant religion, and he brought forward statistics to show that such was the case. He believed the right rev. Prelate was right; and what he said confirmed the view he (Earl Grey) had always entertained on the subject, that it was the injustice of the present arrangement which kept down the Protestant religion in Ireland. It was his belief that the injustice of that arrangement alone during the last three or four centuries, had prevented the inherent truths of the Protestant religion from obtaining due ascendancy among the people of Ireland.

Subject at an end.

House adjourned to Monday next.

HOUSE OF COMMONS,

Tuesday, April 20, 1852.

Minutes.] New Writ. — For Worcester, *v.* Francis Rufford, Esq., Chiltern Hundreds.

Public Bills.—2° Loan Societies; Stock in Trade.

PUBLIC BUSINESS.

The **CHANCELLOR of the EXCHEQUER** moved, that on Thursday, the 29th of April, and every Thursday following, Orders of the Day have precedence of Notices of Motion.

Mr. W. WILLIAMS said, there were notices on the paper for Thursday, the 29th, and those, he thought ought to be allowed to come on. He had a Notice of Motion himself which he was desirous of bringing forward.

Mr. HEYWOOD said, he also had a notice for that day on a very important subject—the preservation of the Crystal Palace. He understood, when the right hon. Gentleman gave notice yesterday relative to Orders of the Day taking precedence, that the Motion was not to take effect till the Thursday after the 29th of April.

The **CHANCELLOR of the EXCHEQUER** had only one wish, and that was, to consult the convenience of the House.

He was quite ready to do whatever the House approved of.

LORD JOHN RUSSELL said, he certainly understood that the Motion of the right hon. Gentleman the Chancellor of the Exchequer was to take effect on the Thursdays subsequent to the 29th of April; and if that understanding generally existed, it would be better for the right hon. Gentleman to accede to it. There was one thing further he wished to say. He certainly understood, from what passed on a former occasion, that on the meeting of the House after the Easter holidays, the right hon. Gentleman would inform them as to the day when he intended to make his financial statement. Perhaps the right hon. Gentleman would now say when that financial statement was to be made. He believed the Miscellaneous Estimates were not yet delivered, though it was understood that they would be in a few days.

The CHANCELLOR OF THE EXCHEQUER: Sir, with regard to the question of the Orders of the Day and Notices of Motion, I really only followed the precedent of the noble Lord last year. Of course, I do not wish to stand in the way of hon. Gentlemen who have Notices of Motion fixed for Thursday week, and therefore I am willing that the arrangement which I propose should not take effect until Thursday, the 6th of May. What I said in regard to the financial statement was this— I said that when the House met on Monday, I hoped that I should be able to fix a day for the financial statement. I did not say that I would fix a day. I hope in a very short time to be able to do so. [Lord J. RUSSELL: This week?] In a few days I hope to do so. There are particular reasons connected with the public service which at present render it not proper to fix a day.

SIR ROBERT H. INGLIS said, he must remind the House that his noble Friend (Lord J. Russell), before the Easter recess, suggested to the right hon. Chancellor of the Exchequer the expediency of taking Thursdays for the public business, and that it was received with approbation by both sides of the House. But if hon. Gentlemen took advantage of the right hon. Gentleman not having then fixed a particular day in accordance with that suggestion, and now insisted on bringing forward the Motions of which they had given notice, they could be actuated, he thought, by very little anxiety to go to the country. If they really wished to go to the country, they would second the wishes of the right hon. Chancellor of the Exchequer. His hon. Friend the Member for North Lancashire (Mr. Heywood) had the fullest opportunity of entering into the discussion of his Motion on that day for which it originally stood; but he had postponed it to a day on which it would be impossible to proceed with it if the Motion of the Chancellor of the Exchequer, as first proposed, was agreed to. He thought the right hon. Gentleman would do well to act upon his original intention, and move, that on and after Thursday, the 29th, Orders of the Day should take precedence of Notices of Motion.

MR. VERNON SMITH thought the House should bear in mind that there were Notices now standing on the Paper for the 29th. It was certainly understood that the Motion of the right hon. Gentleman was to apply to the Thursdays after the 29th; and he might observe that it had always been considered a fair thing, in such cases as the present, not to interrupt Notices of Motion already given.

LORD JOHN RUSSELL said, that his reason for making the suggestion to the right hon. Chancellor of the Exchequer before Easter in reference to the proposed arrangement, was in order to prevent hon. Members from acquiring a vested interest in Motions for Thursdays.

Resolved—

"That, upon Thursday, the 6th day of May next, and upon every Thursday following, Orders of the Day have precedence of Notices of Motion."

OUTRAGES ON BRITISH SUBJECTS IN TUSCANY.

LORD DUDLEY STUART wished to put a question to the right hon. Chancellor of the Exchequer, respecting some outrages alleged to have been committed on British subjects in Tuscany, and particularly on a non-commissioned officer, named Baggs, belonging to one of Her Majesty's ships at Leghorn. Mr. Baggs was a corporal of Marine Artillery, belonging to Her Majesty's ship *Firebrand*, commanded by Captain Codd. The statement of his case, as represented to him (Lord D. Stuart) was to the following effect: It appeared that this non-commissioned officer having landed on leave at Leghorn, found that while walking about the town, his steps were tracked by two officers of police. He remonstrated with them for thus dogging him, but his expostulations, being expressed in the English language, were not attended to, and produced no effect. An altercation ensued. A Maltese gentleman, who happened to be passing by, volunteered to act as interpreter between the police and this English subject, who wore the Queen's uniform, and was conducting himself in a peaceful and inoffensive manner. But notwithstanding all the remonstrances which were conveyed through the interpreter, the Tuscan police officers expressed their intention to continue their pursuit of Corporal Baggs. Corporal Baggs then offered to go with them to the nearest police station, and thither they accordingly proceeded. Arrived at the station, the police produced a chain, and were proceeding to put it on Corporal Baggs, when the latter, who was a very powerful man, resisted them with such effect, that he almost succeeded in putting his persecutors to flight. They, however, procured a reinforcement, and thus overpowered him. They laid him on his back upon a table, bound him with irons, and detained him there the whole of the night. On the following morning he was paraded in the broad day-light, and still habited in full uniform, through the streets to another prison, from which he was liberated only through the interference of an armed party of men, who had been sent in search of him from the ship, by order of Captain Codd. Captain Codd felt it to be his duty to communicate the particulars of this extraordinary occurrence to Mr. Scarlett, Secretary of Legation, at Florence; and Mr. Scarlett lost no time in demanding redress from the Tuscan Government. Questions having reference to this affair had been asked previous to the recess in both Houses of Parliament; and the answers returned to those interrogatories were to the effect that the whole subject had been brought under the notice of the Government; that the matter had been satisfactorily arranged; that reparation had been demanded, and granted by the Tuscan Government; and that the superintendent of police had been sentenced to imprisonment for eight days. This was the substance of the answers given on behalf of the Government; but the right hon. Gentleman the Chancellor of the Exchequer seemed not to be then in full possession of all requisite information on the subject. He (Lord D. Stuart) wished to ask whether since then they had received any additional information, and if so, whether there would be any objection to lay it on the table of the House. He also desired to know if the Government were now in a position to state whether the reparation that had been offered on the part of the Tuscan Government was adequate to the aggravated character of so unprovoked an outrage on an unoffending British subject, wearing at the time the national uniform, and whether the Government would state in what that reparation consisted? He had heard a report to the effect that the Tuscan Government had directed their *Charge d'Affaires* in this country to complain of the conduct of Captain Codd of the *Firebrand*, and to require that that officer should be reprimanded, or that, at all events, some unfavourable notice should be taken of his proceedings. He should like to be informed whether there was any foundation for that rumour?

The CHANCELLOR OF THE EXCHEQUER said, that some misapprehension appeared to exist as to the precise nature of the inquiries addressed to the Government on a previous occasion, with respect to this unfortunate circumstance. On a former evening an hon. Member rose in his place and stated that he had been informed that an officer of Her Majesty's service, in full uniform, had been struck down and otherwise ill-treated by the police in Tuscany, and he inquired whether it was in the power of the Government to afford any authentic information on the subject. He (the Chancellor of the Exchequer) thereupon rose and stated, that the hon. Member had been inaccurate in stating that an officer in Her Majesty's service had been subjected to injurious treatment in Leghorn, but that the facts of the case were these—that a corporal of marines, who had been on shore upon leave, had got into a squabble with the police, that he had been very badly treated, and that the Tuscan Government had, in consequence, imprisoned the head of the police for a period of eight days. He (the Chancellor of the Exchequer) had not given the hon. Member or the House to understand that this imprisonment was in consequence of any demand for redress on the part of Her Majesty's Government, for at the same time that they received information of the outrage they were also apprised of this conduct on the part of the Tuscan Government with respect to their agent of police. The only additional information that he could afford must be conveyed in the assurance that the punishment of arrest for eight days had never been accepted as sufficient redress or reparation by the Government—that communications had taken place and were still in progress on the subject—and that the Government were still, as at first, of opinion that the police officer's imprisonment was not a measure of adequate reparation for the outrage inflicted. With regard to the other matter to which the noble Lord had alluded—the statement that an application had been made by the Tuscan Government to have Captain Codd reprimanded—he could only say, that he did not believe that there was the least foundation for any such statement, and regarding such an application, it was scarcely necessary to say that the Government would not listen to it for a moment.

LORD DUDLEY STUART said, that if he had been correctly informed, no imprisonment whatever had been inflicted on the superintendent of police. It was a subordinate officer of police, a constable, he believed, who had been punished.

The CHANCELLOR OF THE EXCHEQUER said, that on referring to the despatch, which he had not as yet had an opportunity of reading, he found that the officer was described as *le Chef de Poste de la Gendarmerie,* which, he apprehended, justified the expression he had used as Head of the Police.

LORD DUDLEY STUART would also be glad to learn whether the Government were in a position to give any additional information respecting the case of Mr. Mather?

The CHANCELLOR OF THE EXCHEQUER said, that the case of that gentleman being at present the subject of active communication, it was not in his power to enter into any details respecting it.

FROME VICARAGE—THE REV. MR. BENNETT.

MR. HORSMAN said, that the question which he was about to bring before the notice of the House was one of which the character and importance was not to be estimated merely by the terms of the Motion he had placed on the paper. If it had merely related to an omission on the part of an ecclesiastical dignitary of a purely administrative act, which might have arisen from carelessness or accident, it would have been superfluous and unnecessary for him to bring the matter under the consideration of Parliament; but the facts he was about to state to the House were so novel in their character, and the details which he should have to explain were so unprecedented, the injury done to interests which ought to have been protected was so great, the disregard of the first and most important functions of the episcopate so glaring; and the detriment to the Church, he might also say the scandal to the Church, so grievous, that in bringing the matter before the House of Commons, he did not despair of obtaining even its unanimous concurrence in his Motion. The history of Mr. Bennett, who was formerly the incumbent of St. Paul's and St. Barnabas, in London, and newly appointed Vicar of Frome, was unhappily somewhat notorious. He did not wish to enter into that further than was absolutely necessary to explain the excitement and apprehension that were created by the appointment of Mr. Bennett, to show how justifiable was the remonstrance made by the parishioners of Frome, and how reprehensible in his opinion was the conduct of the bishop of the diocese in disregarding that remonstrance. Mr. Bennett was appointed to the incumbency of St. Paul's, Knightsbridge, in 1843, when that church was built and endowed; but he was known before that time; he had been known by his preaching and by his writings, and those had been so much noticed by some parties, and so much complained of by others, that when there was a rumour of his intended appointment to the incumbency of St. Paul's remonstrances and warnings were addressed to the Bishop of London against that appointment. He (Mr. Horsman) would only give one instance among others of those warnings. It was an extract from a pamphlet published last year by a clergyman now incumbent of one of the churches of London, and who in his pamphlet recalled the warning that he had originally given to the Bishop of London with regard to Mr. Bennett. And here at the outset he must be permitted to say that he made no objection whatever, he had no complaint, no charge, to make against Mr. Bennett on account of his theological opinions. Whenever a conscientious opinion or religious conviction was entertained by any man, be he lay or ecclesiastic, as long as he broke no law, violated no obligation, inflicted no injury on society, that conscientious opinion, that religious conviction, ought to be respected by every one, and always should be respected by him (Mr. Horsman). But it was with respect to Mr.

Bennett's acts as a minister of the Church of England, as an agent of the Church, and with the acts of those who were placed in authority over Mr. Bennett, that it was his (Mr. Horsman's) business now to deal. These were the terms in which the Bishop of London was warned by one of his own clergy and friends against Mr. Bennett before his appointment to St. Paul's:—

> "I have not found, even in the *Oxford Tracts*, abounding as they do in awful errors, anything in the way of false doctrine more pernicious than is to be found in Mr. Bennett's published sermons."

To this explanation of his opinion the author added:—

> "If Mr. Bennett be appointed to the church now erecting in this neighbourhood, I shall consider it my duty to expose his false doctrine through the medium of the press."

Again he repeated, that as to Mr. Bennett's doctrines he said nothing; he quoted that only to show that the Bishop of London was warned of the embarrassing consequences that might ensue from his appointment. That warning was, unhappily, disregarded—unhappily for Mr. Bennett, for the Bishop of London, and for the parishioners over whom he was appointed. Of the proceedings between 1843 and 1850 he did not wish to say anything but this—they knew from the best authority that during that period frequent discussions, frequent remonstrances, and frequent complaints took place between the Bishop of London and Mr. Bennett; but in 1850 circumstances connected with the churches of St. Paul and St. Barnabas forced themselves upon public attention by the tumultuous proceedings which unhappily occurred during the services in those churches. Of these proceedings he would merely state to the House the description which was given by Mr. Bennett himself, and not that which was given by any unfriendly hand. Various descriptions, some of them from authentic sources, he had before him, but he would take the description given by Mr. Bennett himself of the state of the locality over which he was sent as spiritual teacher, showing the feeling in the neighbourhood, and the consequences to which that feeling gave rise. Mr. Bennett, in a letter to the noble Lord then at the head of the Government, made this statement as to occurrences that had taken place on a Sunday at his church during service:—

> "I wish to inform your Lordship that since that time it has been thought necessary by the Police Commissioners that our church and residence should be guarded night and day, and that we are at present under the vigilant inspection of police constables, who are watching the streets without cessation, lest mischief should arise. I wish to inform your Lordship that on Sunday, Nov. 17, a very large mob of most tumultuous and disorderly persons collected together a second time all round the church, and this with a much greater demonstration of violence than on the preceding Sunday; that a force of 100 constables was required to keep the mob from overt acts of violence; that, notwithstanding the exertions of the police, much violence was committed, and a leader of the rioters taken into custody; that the mob again assembled at the evening service, at three o'clock, and were guilty again of violent cries, yells, and other noises, battering at the doors of the church, and disturbing the whole congregation; that similar scenes occurred again on Sunday, the 24th of November."

That was Mr. Bennett's own picture of his church, and of the public feeling, regarding it, unmistakeably evinced. He said that one of those rioters was taken into custody and taken before Mr. Broderip, the magistrate, and he, in ordering the discharge of that person, accompanied that order with this remark:—

> "The Queen's peace must be preserved, and I am determined to preserve it in this district; but those persons have much to answer for, and undertake a serious responsibility, who provoke breaches of the peace by exciting the indignation of their fellow-subjects by the ceremonies of the Roman Church at such a time as the present, and exciting the indignation of those who hold the religion of the country."

It must be observed, in explanation of Mr. Broderip's remarks, that it was not the rites or ceremonies of the Roman Catholic Church, properly so called, that excited this indignation; for although at that very moment the subject of Papal aggression had caused a great deal of public excitement, the congregations of the Roman Catholic Church were worshipping in as much peace and safety as the congregation of any church of the Protestant Establishment in any part of the country. These occurrences at St. Paul's forced themselves upon the notice of the neighbourhood—upon the notice of the public press, and upon the notice of the bishop of the diocese; and the bishop was compelled, after a long period of remonstrance, to adopt more decisive and more efficient measures in the matter. A protracted correspondence took place between the Bishop of London and Mr. Bennett, which ended in the bishop's requesting Mr. Bennett to resign his living—a request which Mr. Bennett construed into a threat. The ground upon which the bishop made his request, he set forth in his own published letter to Mr. Bennett; and, among other things, he said, referring to those proceedings which had excited so much public notice and tumult—

> "I have more than once expressed to you my fear that you were exciting or encouraging in the members of your congregation a taste for forms and observances which would lead them to seek for its fuller gratification in the Church of Rome. That this has been the actual result in some instances there can be no doubt. Whether others have occurred of persons retained in our communion by the partial concessions made to a morbid appetite, may well be questioned."

Mr. Bennett construed that letter, together with his other communications from the Bishop of London, into an intimation to him that he had better quietly resign his incumbency, for, if he did not, legal measures would be adopted to compel him to do so; and Mr. Bennett replied in these terms:—

> "I dread becoming the occasion of any legal prosecution, or running the risk of ecclesiastical proceedings. I think it my bounden duty to sacrifice all that belongs to myself rather than place your Lordship under the necessity of appealing to any such means for correcting that which, in your opinion, is wrong. I would, then, put it to your Lordship in this way. I would say, if your Lordship should be of continued opinion, seeing and knowing me as now you do, that I am guilty of unfaithfulness to the Church of England; and if your Lordship will after that signify your judgment as bishop that it would be for the peace and well-ordering of that portion of the Church which is under your episcopal charge that I should no longer serve in the living of St. Paul's, I would then, the very next day, send you a formal resignation."

The grounds upon which Mr. Bennett was prepared to make that resignation appeared to him (Mr. Horsman) to be very fairly and clearly expressed. His resignation was accepted by the Bishop of London, who went into details of the history of the St. Barnabas controversy, stating the many occasions on which he had had reason to find fault; the frequent remonstrances he had made; the evidence of matters having weekly and daily got worse; and the reason for which he desired and accepted Mr. Bennett's resignation. The Bishop wrote—

> "In your recently published letter to Lord John Russell you declare that what your intention and mine was at the time of the consecration of St. Barnabas, 'in ceremonies and rituals, that it shall be now, please God, for ever the same, unchanged, unchangeable.' It is an unavoidable inference from this solemn declaration that the novelties of which I complained, and which I called upon you to lay aside, will not be given up, although I have forbidden them, as being contrary to the Church's order and intention. This leaves no choice as to the course to be pursued. It is impossible for me not to think that 'the peace and good order of the Church which is under my episcopal charge,' would be seriously interrupted, and an occasion of triumph given to the Church's enemies, if you were to continue in your present post, deliberately and avowedly disobeying the administrations of your bishop, and setting up your own judgment of the Church's intention in opposition to his. It is with great pain, but with no hesitation as to the necessity which binds me to this conclusion, that I now signify my acceptance of your renewed offer to resign the incumbency of St. Paul's, and with it the chapel of St. Barnabas."

The grounds upon which the Bishop of London requested Mr. Bennett's resignation were, first, that Mr. Bennett had shown unfaithfulness to the Church; and, secondly, had shown insubordination to his bishop; and the bishop pronounced his deliberate though painful and reluctant judgment, that his resignation was required for the peace and good order of his church, and that he should leave the diocese. Upon these grounds the bishop requested—Mr. Bennett said "compelled"—his resignation. Mr. Bennett accordingly resigned St. Barnabas. It was understood that he quitted England—it was said he had gone to visit Rome, and it was believed he had gone there in more senses than one. Of this, at least, the people of England felt sure, that as a minister of the Church of England they had heard the last of him—they did not think that any pulpit of the Establishment would ever hold him again, or any Protestant flock own him as its pastor. It was to the astonishment, therefore, of the public that within twelve months after Mr. Bennett's forced resignation of an incumbency in one diocese, he obtained a benefice in another—that being unfit for St. Paul's, he was instituted to Frome. In fact, he had no hesitation in saying it was a matter that had created so great a degree of astonishment as to be almost received with incredulity. After what he had said and written when quitting St. Paul's, it was a matter of surprise that Mr. Bennett should wish to regain preferment in the Church of England. It was a matter of still greater surprise that any patron of the Church of England should select him as a nominee; but it was a matter of the most surprise of all that any prelate of the Church of England should approve and ratify that selection. It must be remembered that Mr. Bennett, in that energetic letter cited by the Bishop of London had vauntingly proclaimed himself "unchanged and unchangeable." But an interval of eleven months had elapsed—was there any change that had come over Mr. Bennett in that interval? It might have been supposed that the Bishop of Bath and Wells, or any other person who presented Mr. Bennett to the living, might have some secret knowledge that a change had taken place in Mr. Bennett's opinions. The time was short for such a change. Barely twelve months had elapsed; but during that interval how had he been employed? What Church had he belonged to? What faith had he professed? With what congregation had he mingled? Those were questions the House would think of importance, and they were questions which he had it in his (Mr. Horsman's) power to answer. He, therefore, begged the attention of the House to the facts he was about to relate. He had already stated that the appointment of Mr. Bennett to the vicarage of Frome had created a good deal of excitement and discussion. A great deal had been said about it in the public press, and, among other publications, a letter had appeared in the public journals to which his attention was called in January last, written by a clergyman of the Church of England named Pratt, who was staying in Ireland. It was addressed to the editor of the *Achill Herald*, and was in these terms:—

"Achill, Jan. 12, 1852.

"Dear Sir—A few days ago I met an English gentleman at Clifden, county of Galway, and he told me that during the last summer he spent several weeks at Kissengen, in Bavaria, for the benefit of his health. In the same hotel with him was staying the Rev. Mr. Bennett, late of St. Paul's, Knightsbridge. During the whole period of his residence at the place, Mr. Bennett never once attended the English service, but regularly went to mass, and his inseparable companion was a Capuchin friar. How comes it that such a man is instituted to a living in the Church of England?—Yours faithfully, "Charles O'N. Pratt,

"Curate of Christ Church, Macclesfield."

That statement was very vague. Of course, he said when he saw it what any other hon. Gentleman would say, that it was vague; and accordingly he said, before any credit should be given to that statement, the writer should be asked whether he was willing to give the name of the party from whom he had received that information. A friend of his consequently wrote to Mr. Pratt, and by return of post received a reply, in which Mr. Pratt expressed his utmost readiness to give up his authority, and referred him to a gentleman holding an academical employment not far from London, of high character, and unimpeachable veracity. A private communication was then made to that gentleman, asking him whether the statement made by Mr. Pratt, and said to have been made upon his authority, was correct. He now held in his hand the reply of that gentleman, but, as it was not written for publication, he would not read the name; but the letter, with the name of the writer, were at the service of any hon. Gentleman who wished to see them. This gentleman was a professor of one of the seminaries in the neighbourhood of London. He said—

"An English clergyman, whose name in the hotel-book was Bennett, wearing the peculiarly longitudinal vestment affected by the Puseyite clergy, and travelling in company with Sir John Harrington, churchwarden of St. Barnabas, lodged for three weeks at the Hotel de Russie, Kissengen, on the same floor with my rooms. My attention was called to him in the first instance by hearing the German waiters, &c., talking about him—his conduct, with that of his friend, being calculated to attract inquiry as to his religion, the general idea being that he was a Jesuit or Capuchin. I then found that he and his friend went every morning between seven and eight, as was said, to the Roman Catholic Church, to the morning service. I never myself saw him in the Roman Catholic Church, because I never went there; but I can testify as to the regularity of his morning excursions, and, as every one said that their object was to attend mass, I presume there is no reason to doubt the fact. If there be, any one at Kissengen can attest it. During the same period neither he nor any of his party were to be seen on Sundays in the English chapel. It is a single room, capable of holding, perhaps, 100 persons, and had he been there he must have been at once visible. But, as I believe, they remained considerably longer at Kissengen than myself, the English chaplain seems to me the person who could give the most convincing testimony on this point. I likewise heard him inquiring about a missal, and saw a Capuchin, or some such monk, going in and out of his room. But I cannot with truth asseverate that within my knowledge he was his inseparable companion. My rooms were, unluckily, next to Sir John Harrington's; unluckily, as I was very ill, and Sir John constantly talked in so loud a voice that nearly all his talk was forced upon me, the partitions between German rooms being, as you probably know, almost ventriloqual. I was therefore compelled to hear long details about Roman Catholic matters exclusively, in which Mr. Bennett was constantly implicated. The whole effect was to leave no doubt on my mind whatever that Mr. Bennett was a thorough Romanist, and I considered it so settled that I was never so astonished as at perceiving in the papers his appointment to Frome."

There was a great deal more to the same effect in the letter, but it stated that the facts were notorious amongst all the Englishmen resident at Kissengen; and one point on which the writer especially dwelt was the fact of Mr. Bennett never having attended the Protestant chapel at Kissengen, and he suggested that an inquiry on that subject should be made of the then resident chaplain. He (Mr. Horsman) had felt it to be due to Mr. Bennett to obtain evidence from every reliable source before bringing this Motion before Parliament; and therefore after ascertaining who was the Protestant clergyman at Kissengen last year, he had taken the liberty to write to that gentleman, asking for information on that one point, as to Mr. Bennett's attendance at his chapel; at the same time apprising him of his object in making the inquiry, and leaving it to him to answer or not as he thought fit. He would not trouble the House by reading his own letter, having already stated its substance. His question was, not whether Mr. Bennett was in the habit of attending the Roman Catholic Church, for of course the English chaplain did not go there, but whether Mr. Bennett was in the habit of attending at the Protestant Church? This was the answer he received:—

> "Sandwich, April 14, 1852.
>
> "Sir—I beg to acknowledge the receipt of your letter of the 12th inst., and in reply to your question respecting the present vicar of Frome and his attendance at public worship during last summer at Kissengen, I can only say that I believe he did not at any time form one of my congregation.—I have the honour to remain, Sir, your obedient servant, "F. Le Grix White,
>
> "Late British Chaplain at Kissengen.
>
> "E. Horsman, Esq., M.P."

Then, having stated that the fact of Mr. Bennett's attendance at mass during his residence at Kisssengen was notorious; that the fact of his not attending the Protestant chapel at Kissengen was notorious; and having brought before them as evidence of that a letter written by a gentleman lodging for weeks in the same house with Mr. Bennett at Kissengen, who stated that he went out regularly every morning to the Roman Catholic chapel; and a letter from the Protestant clergyman saying that Mr. Bennett never attended the Protestant church, he thought it might be considered as established in a manner conclusive that during Mr. Bennett's residence at Kissengen, to all intents and purposes, outwardly at least, he was a conformist to the Roman Catholic Church, and held no communion or sympathy with the Protestant Church of which he had been a Minister. This, then, was a brief summary of Mr. Bennett's history during 1851. In January of that year he relinquished his ministry in London, at the request of the Bishop of London, because the bishop held that he had been unfaithful, and that the peace and good order of the Church required his resignation. In the summer of that year he went on the Continent, and was a constant and habitual attendant at a Roman Catholic Church; and then, in the autumn of the same year, he returned to England, and was appointed by a Protestant bishop as Protestant minister over the Protestant congregation of Frome. It would create no surprise that, under those circumstances, the appointment of Mr. Bennett to Frome had created much excitement and a good deal of apprehension in that locality. The people of Frome, knowing what had taken place in London, and fearing lest a repetition might take place in Frome, addressed themselves to the lady who exercised the patronage of the vicarage, deprecated the appointment, and implored her to abstain from a step which might produce the most lamentable results. Their memorial was couched in language strong, but most respectful, in a spirit as temperate as it was firm. They said—

> "We owe it to God, to our flocks, to our children, to our servants, to ourselves, to protest against the confiding the cure of souls among us to one from whose writings, published but a year and a half ago, we cite the following passages, not by any means as exhibiting the whole of what we deem opposed to the Scriptural truthfulness of our beloved Church in his productions, but merely as exemplifications of the teaching which, as members of that Church, we solemnly repudiate."

This memorial, couched in language so fitting, signed by five of the clergymen, and by a number of the laity of Frome, attached members of the Church of England, was presented to the Marchioness of Bath. The reply was that which, under the circumstances, might obviously have been expected. The motives which induced the appointment were not such as were likely to be departed from after the appointment was made, and this was the answer returned:—

> "Longleat, Jan. 3, 1852.
>
> "Rev. Sir—I have received with sincere regret a communication, signed by yourself and others, relating to the appintment of the Rev. W. J. E. Bennett to the vicarage of Frome, in my gift. In reply I beg to inform you that the appointment is already made, and cannot be revoked.—I remain, Rev. Sir, yours faithfully, "H. Bath.
>
> "The Rev. W. B. Calvert, Vicarage, Frome."

Now, let him observe, upon that act on the part of the Marchioness of Bath he did not intend to make a comment; the Marchioness of Bath exercised therein a legal right, and exercised it, no doubt, according to her conscience; and, acting so with the law, and according to her conscience, it was not his wish now to say a word impeaching the legality of the act, or the motives which led to it. She exercised the power of patronage duly vested in her; but it was to be borne in mind that the right of patronage, though large, was by no means an absolute right. Of all the rights which attached to property, he doubted whether there was one which ought to address itself so directly to the conscience of the proprietor as when he was called upon to undertake the responsibility of selecting a man to be charged with the spiritual interests of the people among whom he was to live; yet this so grave and solemn responsibility the law had fenced about with very slight restrictions. One restriction there was, and almost the only one—the patron might present, but the presentee must be approved by the bishop: the sole security for a congregation against the abuse of patronage existed in the character and conscience of the bishop. The patron might be a weak man, or a rash man, but there was the strength and prudence of the bishop to correct him; the patron might be profligate, but the bishop was pious; the patron might be an infidel, but the bishop at least was sure to be orthodox. Here, then, was the security of the people and of the Church; the impregnable fortress of the bishop's orthodoxy, proof alike against assault from without, and treachery within. To this last refuge the parishioners of Frome betook themselves—they appeal to their bishop, in a memorial, not vague, not indefinite, but showing clearly that they had just views, both of popular rights and episcopal obligations. They placed their objection to Mr. Bennett's appointment on three distinct grounds: first, they put it on Mr. Bennett's own published writings; secondly, on the Bishop of London's condemnation and virtual expulsion of Mr. Bennett from the diocese of London; and, thirdly, on Mr. Bennett's own statement of the reasons and conditions on which his resignation was asked and accepted. And, first of all, let him call the attention of the House to the testimony laid before the bishop, out of Mr. Bennett's own writings. Here, again, let him say, that if he made any allusion to those writings, he offered no opinion whatever on them, but adduced them merely to show the facts which were laid before the bishop for the bishop's own observation, own consideration, and own judgment; he (Mr. Horsman) propounded no opinion whatever about those writings, as to whether they were sound or otherwise. The two passages cited by the parishioners were taken from recently published writings of Mr. Bennett. The first of them was in allusion to the decision of the Judicial Committee of the Privy Council in the case of Gorham *v.* the Bishop of Exeter:—

> "Unless a certain possibility (namely, as appears, the reversal of a recent decision of the Judicial Committee of Privy Council) be realised, the pastors who have as yet been enabled to adhere to the Church of England, finding that she denies herself, and forfeits her claim to catholicity, will, one by one, be rejected by the force of law from her communion; and, although not loving the peculiarities of Rome, will, in order to preserve any faith at all, either in their own hearts or in the hearts of those over whom they are set, be compelled to seek salvation within her bosom. This will probably happen within ten years. Then will come the end—Protestantism will sink into its proper place and die; and whatever was catholic in the Church of England will become Roman."

That was the first passage taken from Mr. Bennett's writings, and laid before the bishop. The second, much shorter, but very emphatic, ran thus:—

> "All ideas of the Bible, and the dispensing of the Bible, as in itself a means of propagating Christianity, are a fiction and absurdity."

Now he (Mr. Horsman) would express no opinion whatever as to these passages; whether they called for condemnation or whether they justified accusation, or whether they might or might not be capable of explanation; what he would say was this—that these two passages were laid before the bishop of the diocese by the clergy and laity of Frome, who, calling his attention to them, only prayed him to delay before he granted institution. The second point they laid before the bishop was the testimony of the Bishop of London as to the character and proceedings of Mr. Bennett when he was in that prelate's diocese, a short time before. They quoted the letter of the Bishop of London, in which he declared that he could not take the recommendation of Mr. Bennett as a title for orders; they quoted the statement in which he gave his reasons for wishing Mr. Bennet to resign; and they quoted the fact that this resignation had been at length accepted. The third point which they laid before the bishop was the letter to which he (Mr. Horsman) had already referred, but to which, as bearing closely upon this part of the question, and as having been brought so distinctly before the bishop, he would refer again, in order to fix the attention of the House upon what was the exact question brought before the bishop of the diocese by the parishioners of Frome. These were the words which Mr. Bennett addressed to his parishioners in London immediately after his resignation:—

> "You will remember, I hope, for my justification, that in my proposal to him (the bishop) to resign the living of St. Paul's, I certainly said there were two conditions—two distinct conditions; not one combined with the other, but two distinct conditions, upon which my offer of resignation was to be fulfilled. 1. He was to say that he was 'of opinion that I was guilty of unfaithfulness to the English Church;' that unfaithfulness being gathered from the principles of duty in doctrine and in practice set forth in my letter of July 15 (see page 92); and, that being so, he was to pronounce thereupon his judgment, as bishop, to that effect. 2. He was in the same manner to say that my resignation would be, in his opinion, for the peace and better ordering of his diocese. Of course when an offer is made upon an hypothesis, and the offer accepted, the hypothesis is allowed. The bishop has therefore 'pronounced me, in his judgment as a bishop, guilty of unfaithfulness to the English Church.' There can be no question whatever on this point."

Such was the matter laid before the Bishop of Bath and Wells by the parishioners and clergy of Frome. These were the three grounds on which they begged him to defer the institution of Mr. Bennett: first, Mr. Bennett's own writings; secondly, the condemnation of Mr. Bennett by his own bishop; thirdly, Mr. Bennett's own statement of the conditions on which his resignation had been made and accepted. He would now ask the House, under such circumstances — was it necessary to ask the question at all?—what, under such circumstances, was the duty of the bishop of the diocese? The duties of a bishop, indeed, were not very strictly defined. Perhaps there was no person in authority, ecclesiastical or laical, who wielded authority so large, with responsibility so limited. Usually raised from a position of comparative obscurity to one of great wealth, of high rank, of considerable power, the bishop was in that condition in which he might do very much as he pleased; he was a dignitary at large, who could spend his time wherever he fancied, employing himself in any way he found agreeable, and doing nothing that was not agreeable. He was accountable to no one; if he were a man of conscience, his powers of usefulness were great; if an ill-disposed man he had powers of mischief measureless. Yet the power of the bishop, almost absolute and unlimited as it was, had one remarkable restriction; left to his own discretion in all other matters, in his exercise of appellate jurisdiction, in presentations to benefices, the bishop falls under well-defined obligations, and is subject to strict laws. In that respect there was no doubt what were his functions, no vagueness as to his duties; the obligations imposed on him by the law were clear; the statutory directions by which he was to abide were so plain, so unequivocal, so peremptorily enjoined, that no man of ordinary intelligence could misunderstand them, as no man with a conscience could disregard them. If there was one case in the canons more carefully guarded against, more scrupulously provided for than another, it was this precise case of Mr. Bennett, where a clergyman who had been instituted in one diocese, removed and applied for institution in another. He had set forth on the notice paper what were the obligations on a bishop, distinctly and clearly required by the law.

> "No bishop," said the law, "shall institute any to a benefice who hath been ordained by any other bishop, except he first show unto him his letters of orders, and bring him a sufficient testimony of his former good life and behaviour, if the bishop shall require it; and, lastly, shall appear on due examination, to be worthy of his ministry."

The clergyman so applying for institution must further lay before the bishop of the diocese a certificate signed by three beneficed clergyman. Amongst the text-books and authorities on this question, any one would find the form of certificate usually granted by the bishop on such occasions. It must be signed by three beneficed clergymen, and if they were not of the diocese to which the presentee was removing, it must be countersigned by the bishop of the diocese from which he came. The form of certificate was in these words, and the precise words were extremely important:—

> "We, whose names are hereunder written, testify and make known that A. B., Clerk, A.M. (or other degree), presented (or to be collated, as the case may be) to the canonry (or to the rectory or vicarage, as the case may be) of ——, in the county of ——, in your Lordship's diocese, hath been personally known to us for the space of three years last past; that we have had opportunities of observing his conduct; that, during the whole of that time, we verily believe that he lived piously, soberly, and honestly; nor have we at any time heard anything to the contrary thereof; nor hath he at any time, as far as we know and believe, held, written, or taught anything contrary to the doctrine or discipline of the United Church of England and Ireland; and, moreover, we believe him in our consciences to be, as to his moral conduct, a person worthy to be admitted to the said

canonry or benefice (as the case may be). In witness whereof we have hereunto set our hands this —— day of ——, in the year of our Lord ——, C. D., Vicar of ——: E. F., Rector of ——, G. H., Vicar of ——. If all the subscribers are not beneficed in the diocese of the bishop to whom the testimony is addressed, the counter signature of the bishop of the diocese wherein their benefices are respectively situate is required."

Now, this certificate, so signed by three beneficed clergymen, was to set forth, be it observed, that for the three years last past, they had constant opportunities of observing the conduct of the presentee, and that during that period they were prepared to say he had done nothing against the doctrine or discipline of the Church of England. The question here to be asked, then, was, of course, whether three beneficed clergymen of the diocese of London had signed such a certificate in favour of Mr. Bennett, had certified that during the three years last past he had done nothing against the doctrine or discipline of the Church of England, had affirmed that during the whole of 1851 they had had constant opportunities of knowing and observing Mr. Bennett—for the certificate must apply to that year—when Mr. Bennett was on the Continent, and in the habit, as it clearly appeared, of frequenting Roman Catholic chapels. This was the first question to be asked—whether three beneficed clergymen of the Church of England had signed the certificate thus required by law to be signed? Now, he heard, incredible as it might seem, that such a certificate had been signed; that, incredible as it might seem, three beneficed clergymen of the Church of England, residing in the diocese of London, had positively signed their names to a statement that during the three years last past—the year 1851 being one of those years—they could answer, from personal observation, to Mr. Bennett's having been true to the doctrine and discipline of the Church of England; that during the whole of these three years, in the course of which the Bishop of London's complaints had arisen, Mr. Bennett had been faithful to the Church of England, and had done nothing against her discipline and doctrine. There was another question to be asked. The rule was, that, if all the clergymen signing such a certificate were not resident in the diocese to which the clergyman repaired, the certificate must be countersigned by the bishop of the diocese from which he came. It, therefore, naturally suggested itself to put this second, and very painful question—Had the Bishop of London countersigned this testimonial? Had the Bishop of London, who procured Mr. Bennett's resignation of his living in London, because Mr. Bennett was unfaithful to the Church, and insubordinate to the bishop, signed or sanctioned a certificate that during the whole of the three years last past Mr. Bennett had been a faithful and obedient minister in his diocese? He heard, again, that the Bishop of London had signed that certificate, but he also heard, though only as a rumour, that the Bishop of London had signed it with a qualification. Well, now, it was most important to know what that qualification was. He was well acquainted with the practice in granting these certificates, and how the signature of the prelate was usually appended. The requirement of the canon was most precise on this point; it said—

> "And the said curates and ministers, if they remove from one diocese to another, shall not be by any means admitted to serve without testimony of the bishop of the diocese, or ordinary of the place as aforesaid, whence they came, in writing, of their honesty, ability, and conformity to the ecclesiastical laws of the Church of England."

This canon was clear enough; the practice however, in ordinary cases, was, that the three clergymen having signed the required certificate, the bishop's counter signature was merely to the effect of attesting that the clergymen so signing the certificate were resident in his diocese, and known to him, but vouching in no degree for the accuracy of the statements made by them, and carrying, in fact, no allusion whatever to what was embodied in those statements. The bishop's signature was merely this—"I certify that these signatures are genuine, and that the parties are known to me." It might be presumed that, in accordance with this usage, such had been the mode in which the Bishop of London had given his signature in this case; but it was understood that there was, in this particular instance, this remarkable deviation from the usual practice, that whereas, ordinarily, the bishop's signature merely conveyed an attestation of the genuineness of the clergymen's signatures, the Bishop of London, if he were rightly informed, did actually write on the margin of Mr. Bennett's testimonial a caution that he was merely to be understood as certifying that the clergymen's signatures were genuine, but that he was no party whatever to the statements which those signatures attested. He (Mr. Horsman) did not know whether such was the case, but he had heard that it was, and he would assume that the Bishop of London had so far hoped to save his consistency, in not being a party to any of the statements which the three clergymen might have thought fit to make. This was certain, that the reception of the Bishop of London's signature, with this unusual qualification, placed an additional responsibility on the Bishop of Bath and Wells, and afforded an additional ground for extreme prudence and precaution. He was only stating what he had heard with regard to this certificate, but it was evident that the matter stood thus: either they had three clergymen of the Established Church granting a testimonial on which he would not further comment, countersigned, if you pleased, by their bishop, with a qualification, of itself inviting inquiry; or, on the other hand, they had not found three clergymen bold enough to grant that certificate, they had not found any bishop who would countersign it, and therefore the Bishop of Bath and Wells had deliberately dispensed with one of those precautions admitted to be essential for the security and good government of the Church. But there was a further point. Even after the certificate had been produced before the bishop, there was another duty enjoined by the canon; the bishop, even after receiving the certificate, had another duty to perform; the 39th canon required that "the bishop shall satisfy himself, by due examination, that the candidate is worthy of the ministry;" and the 48th canon declared that "no minister shall be permitted to serve in any place without examination and admission of the bishop of the diocese." That examination, again, was not a mere matter of form; there was no point on which the law was more explicit or more strongly laid down. In Dr. Burn's *Ecclesiastical Law*, a judgment of Lord Ellenborough's was quoted, which, in the general construction of the Statute applied to all like cases:—

"It appears, then, that there is to be an examination by the bishop, which is to precede the admission of the curate; which duty of examination is cast upon him by the express terms of the canon; and, therefore, if the bishop either will not examine at all, or only in a mode altogether ineffectual for the purpose for which such an examination is required—if, in short, he should appear to refuse or elude the performance of this express duty, the Court will interfere by *mandamus* to compel such an examination to be made as appertains to his duty."

Lord Ellenborough went on to say—

"The word of the statute is 'approve,' and he must exercise that approbation according to his conscience upon such means of information as he can obtain; and everything that can properly minister to his conscientious approbation or disapprobation, and fairly and reasonably induce his conclusion on such a subject, though it might not be evidence that would be formally admitted in a court of law, may, I am of opinion, be fitly taken into his consideration."

On these grounds the parishioners of Frome memorialised the bishop, praying him to consider the circumstances which they had laid before him, and not at once grant institution to Mr. Bennett. The bishop, who could not have been ignorant of the facts, and who was certainly less ignorant of the law, did not condescend to notice any one of the circumstances which had been laid before him by the memorialists. His reply was couched in these terms:—

"Brighton, Jan. 12, 1852.

"Rev. and Dear Sir—I have read and given my best attention to the memorial signed by yourself and some of the clergy, and other persons, forwarded to me from Frome, upon the recent appointment of Mr. Bennett to that living by the Marchioness of Bath. I can assure you, had I not been satisfied that Mr. Bennett was not attached to, or likely to be influenced by, the doctrines of the Church of Rome, or likely to influence in that direction others of any congregation committed to his care, I should have declined instituting him, from whatever quarter his nomination might have come; but as I am fully satisfied that Mr. Bennett has a firm and deep-rooted attachment to our own Church, and to all the doctrines of the Church of England, repudiating all Romish doctrines, I feel that I should be acting unjustly by him, and uncourteously as well as unfairly by the Marchioness of Bath (whose firm attachment to our Church is so well known), if I were to refuse him admission into my diocese. I shall, therefore, adhere as firmly to my intention of instituting Mr. Bennett (however respectable the signatures to any protest may be) as I should have objected to have done had my opinion of his attachment to the Church been otherwise. I will only add, in conclusion, that as you and all those who have signed the protest have done no more than they considered to be their duty in thus expressing their opinions to me, and I have myself as candidly stated my own feeling on the subject, which I trust will have the effect of allaying any fears which they have entertained, it is my earnest hope that there will be no unseemly opposition on the part of the clergy, or any of those who have signed the protest, and that Mr. Bennet will be received with kindly feeling.—I am, Rev. and dear Sir, your faithful servant,

"R. Bath and Wells.

"The Rev. H. D. Wickham."

The bishop took upon himself the gift of infallibility to decide against all evidence and all law, and adhered firmly to his determination to give institution to Mr. Bennett without delay. The memorialists were dispirited, but they did not yet quite despair. Again they wrote to the bishop, preferring another request. To their first letter they had received an answer which, though not altogether courteous, and certainly not conciliatory, was yet a model of episcopal kindness and Christian courtesy compared with the reply to this second request. Their letter was now in these terms:—

"Frome, Jan. 15, 1852.

"My Lord—I am requested by those of the clergy and laity who presented the memorial to your Lordship, praying you not to institute the Rev. Mr. Bennett to the vicarage of Frome, to acknowledge the receipt of your reply, and to express their deep regret that you still intend to proceed with his institution, though he has not retracted, so far as we are aware, any of those doctrines and opinions cited in our memorial, which create in us so much alarm.

"At the same time we beg to thank your Lordship for the credit which you give us of objecting to Mr. Bennett from a sense of duty; and, upon the recognition of this principle, we now trust that your Lordship will so far oblige us as to stay institution for the brief period of a fortnight, in order that we may deliberate calmly on a matter of such grave importance, and consider whether it may be our duty to take any further steps.—I am, my Lord, your very obedient humble servant. "Hill D. Wickham.

"The Right Rev. the Bishop of Bath
and Wells."

Was that an unreasonable request, or one that should have been uncourteously received? It was a petition from those under his spiritual charge—a congregation of men deeply moved on a religious question, and showing a degree of religious solicitude on, to them, a vital point, with which he should have thought a Christian bishop might have shown some sympathy. What was the reply of the bishop to this letter, signed by clergy and laity in the parish of Frome, addressed to him under such remarkable and painful circumstances? Some days elapsed before any answer at all was returned, and then the bishop sent this reply:—

"Jan. 19, 1852.

"Rev. and Dear Sir—I beg to acknowledge the receipt of your letter containing the communication you were requested to forward to me, and remain, your faithful servant,

"R. Bath and Wells."

He did not think it necessary to comment upon that production. Those gentlemen who had signed the memorial had, in fact, presumed to exercise that right of private judgment which seemed distasteful to the bishop, and they had met with their reward. He remembered reading that Archbishop Laud was said to have expressed a hope that he should see the day when there should be never a Jack Gentleman in England that should not stand uncovered before the meanest priest. That letter showed something of the spirit of Laud; but he trusted that the gentlemen of England would never bend to it. Mr. Bennett was therefore instituted to the vicarage of Frome, with a large income, the patronage of three livings, the appointment of several curates, and all the means and opportunities of using his influence which were afforded to a minister of the Established Church in a position of authority and honour. What was Mr. Bennett's first public act? The people of Frome had not long to wait for an indication of his intentions. When Mr. Bennett resigned the living of St. Barnabas, three of the curates also sent in their resignations in a public letter which the addressed to the Bishop on London, in these terms:—

"TO THE LORD BISHOP OF LONDON.

"My Lord—We, the undersigned curates of the district church of St. Paul, Knightsbridge, and St. Barnabas, Pimlico, in your Lordship's diocese, having heard from the churchwardens that it is your Lordship's desire that the services in these churches should be performed in a manner different from that which we had the great privilege of enjoying hitherto, beg to resign our cures into your Lordship's hands.

"G. F. De Gex, } Curates of
"F. A. G. Ouseley, } St. Paul's.
"Henry Fyffe, Curate of St. Barnabas.
"St. Barnabas' College, Pimlico,
Dec. 13, 1850."

Mr. Bennett's first public act was to dismiss the popular curate whom he had found established at Frome, and to put in his place the rev. curate whose name was at the head of that resignation. Mr. Bennett was instituted; the popular curate was dismissed; Mr. De Gex occupied his place; and his (Mr. Horsman's) narrative was now concluded. But what was the condition in which the parishioners of Frome now stood? The clergy had memorialised—the laity had protested—the Nonconformists in the town had held a public meeting, at which they had raised their voices in behalf of Protestantism and against what they termed this "new Papal aggression." [Hear, hear!] It was a question which he begged to tell hon. Gentlemen the Dissenters of England had as strong an interest in as the members of the Established Church. They might not be amenable to the discipline of the Established Church; but who could say that the Protestantism and Christianity of England had not been deeply indebted to the Dissenters? Too often had we found that the Church Establishment had become the instrument for conversions to another faith; but among Dissenters those conversions had been rare; and the time might yet come when among the Dissenters of England might be found the best bulwark against any aggressions upon the Protestantism of the country. But he would repeat, and he thought it an indication of opinion which ought not to be sneered at, that the Protestant Dissenters of this country had protested against the appointment of Mr. Bennett. In consequence of these proceedings, many of the most respectable families of Frome had absented themselves from the church. The trustees of one of the charity schools, twelve in number, had met and passed a resolution by a majority of nine to three, that the school children should not frequent it. One of Mr. Bennett's curates from the diocese of London had already been transported to Frome. The people of Frome knew this; they knew that in the diocese of London two of Mr. Bennett's curates went over to the Church of Rome, even whilst ministering in the Church of England: they knew also that to the very last moment before their departure they were making use of every opportunity which their official position, and the facilities of access they obtained to families, might give them, of making converts to that Church whose doctrines they had themselves embraced. They knew that Mr. Bennett had established a convent of Sisters of Mercy in the parish of St. Barnabas, and that nearly every one of the Sisters of Mercy had gone over to the Church of Rome, and that others of his congregation, neither few in number nor obscure in station, had followed their example. The people of Frome knew all this, and they felt that they were not safe from the repetition of a similar occurrence. But the case of those who, under Mr. Bennett's previous charge, had joined Rome, was not the worst. Many, no doubt, who had left one faith and embraced another, had found some resting place for their conscience; but many there were who had gone to the verge of the precipice, but had not passed beyond it; who had gone too far, and yet had not advanced far enough; who had been unsettled in one faith without being established in another. The misery that had been created in families by these proceedings of Mr. Bennett's was not to be told. He was speaking in the presence of those who could bear fatal testimony to the truth of what he was stating—who knew the family affliction, the domestic sorrows, the social distrust that had been diffused throughout his late parish—who had heard of the parental anguish—who had been told even of broken hearts. Those things had occurred in London, and might they not be repeated at Frome? Where was the redress? The Bishop of Bath and Wells said that he was satisfied; but were the Protestants of England satisfied? Was Parliament satisfied? Was there no redress for these things? Where was it to be found? Not in the morality, unhappily, of our clergy—not in the consciences of our prelates. Our clergy were too much mistrusted, our prelates too deeply tainted. But the laity of England, thank God, were yet sound. It was the laity of England who were the Church of England; they were its strength, they were its soundness, they constituted its hope, and it was for the laity of England to bestir themselves on occasions such as these. And how could they do it so legitimately as through their representatives in Parliament? He invited the House to proceed in that manner which was most in conformity with our ecclesiastical constitution and Parliamentary precedent. He proposed that Parliament, representing the laity of England, should lay their petition at the foot of the Throne; that they should pray the Sovereign that she would add one other to the many claims which she had already established to the love and admiration of her grateful subjects; that she would show herself the protector of her people and their religion, not against assaults from without, but against treachery from within; not against enemies avowed, but against her own unworthy sons; and when that unworthiness should be found in high places, that, by compelling even the dignitaries of the Church to show that obedience to the laws which the Bishop of Bath and Wells had so wantonly repudiated, she would purge that great scandal from the Church of which she was the appointed head, and vindicate her title as Defender of that Faith on which had been established her people's liberties and her own Throne.

Motion made, and Question proposed—

"That an Humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct inquiry to be made, whether due respect was paid to the Decrees of the Constitutions and Canons Ecclesiastical of the Church of England in the recent institution of the Rev. Mr. Bennett to the Vicarage of Frome."

The CHANCELLOR OF THE EXCHEQUER: Sir, I do not think that it is possible to exaggerate the importance of the question which the hon. Gentleman has brought under the consideration of the House. And when I think to what a class of discussions the present debate may give rise, if the House sanction the Motion which the hon. Gentleman has made, I confess that I look to our Parliamentary future as rife with elements of very peculiar interest. Sir, I myself am not rising now to offer any opinion upon the circumstances which the hon. Gentleman has laid before the House this evening. I never felt more acutely the inconvenience, in a popular assembly like the House of Commons, of discussions such as that in which we are now engaged. But I have been very much struck, while I listened to the speech of the hon. Gentleman, with the inadequacy of the proposition which he has made for dealing with the circumstances to which he has called our attention. According to the hon. Gentleman, a very great grievance is experienced by some of Her Majesty's subjects, and that too with regard to matters which are peculiarly calculated to interest the feelings of her subjects. But I do not understand that the hon. Gentleman has really proposed any remedy for this grievance which he has alleged. I think that before the House assents to the Address to Her Majesty which he proposes, it will do well to consider whether, by agreeing to it, they will establish any authority which will be able to cope with the circumstances to which the hon. Gentleman has referred. Suppose, for example, that the House assents to this Motion—suppose that Her Majesty has issued a Commission to inquire into these circumstances—which, in fact, is what the hon. Gentleman is seeking—no authority will accompany that Commission of Inquiry which will force any one to make any communication which he is unwilling to offer. That Commission of Inquiry will not have the power to obtain from the very individuals whom the House would probably wish to be subjected to its inquisition that information which they might require. It appears to me that upon the statement of the hon. Gentleman one of these two alternatives must turn—either that there is at present existing a remedy for this alleged grievance, or that there is not. I speak, of course, upon such a subject with a deference that must become any Member of this House who has not the particular learning which applies to these questions; but I have always understood, and I cannot help believing, that there must be an appeal from the prelate who acts in contravention of the canons of the Church to the archbishop. If then there be an appeal to the archbishop, if the conduct and decisions of the prelate are subject to that superior revision, that surely must be a reason why the House of Commons should not interfere before that appeal has taken place, and, in lieu of having recourse to such a tribunal, should not substitute a means which is confessedly so inadequate to obtain the result which is desired. But I may be told, though I shall be somewhat surprised if I am told, that no such appeal exists. Well then, is it not clearly a case for the legislation of Parliament, if a remedy does not exist for the alleged grievance, and that, too, one of so important a character? Parliament may no doubt issue a Commission, which may subject all the individuals concerned to a most searching inquiry, which may obtain that information which the hon. Gentleman desires, and may lay before the House all those details which may be the foundation of sound useful and necessary legislation. I know that many persons are of opinion there is a too great facility in the institution of clergymen to benefices. I do not wish myself to give an opinion upon that subject; I do not wish to enter into any controversy on subjects of this kind on the present occasion; but I can easily understand that such an opinion may exist, and that there are many who are of opinion that it is a proper subject on which to legislate, in order that some checks and some increased control should be established on a subject which interests the feelings of every person in this country. But in what way does the proposition of the hon. Gentleman meet this difficulty? I think that with his view of this case he was perfectly justified in bringing this question before Parliament; and I think that the hon. Gentleman, if he is of opinion that no remedy exists for the grievance which he believes to be suffered by the inhabitants of Frome, would be taking a most justifiable and legitimate course if he proposed to legislate on the subject. But if a remedy exists, as I think and believe that it does, in an appeal to the archbishop or otherwise, then I think that the hon. Gentleman must himself believe that these means should be had recourse to before this House agrees to a Resolution like that which he recommends. If it is, on the other hand, the opinion of the hon. Gentleman that no such means exist, then I think that he must feel that the proposition which he has recommended is inadequate to cope with the grievance which exists, and that he must call on the Legislature in a becoming manner to meet the conjuncture to which he has called attention. I have addressed myself to the Motion of the hon. Gentleman, without wishing to give any opinion upon the merits of the important case which he has brought before the House. Far be it from me to vindicate the character of any clergyman who it can be shown has behaved in a manner in which it is stated that Mr. Bennett has conducted himself. I do not give any opinion. I do not presume to give one, on any of these important circumstances. I feel that this is not a tribunal which should decide upon questions like that which has now been brought before the House. I feel the inconvenience of an assembly like the present to decide upon such a subject, mainly upon a statement by the hon. Gentleman. But what I wish to impress on the House is, not to be led away to adopt a Resolution which will be inefficient to attain the purposes contemplated by the hon. Gentleman, and which in itself is one that I think they would find extremely inconvenient, if adopted. Commissions of inquiry issued by Her Majesty, without any power to elicit the information which they are sent forth to obtain, are a mockery, which it is very unwise in the House of Commons to have recourse to. If Commissions of Inquiry are issued under extraordinary circumstances, and for extraordinary purposes, it is of the utmost importance that we should take care that those inquiries should be really efficient, and that the Commissioners of Inquiry should be accompanied with powers which will secure the means of eliciting the information they sought for. I cannot think that the hon. Gentleman will feel it his duty to press this Resolution to a division. He has brought before the House—and I think he was justified in doing so—matters of grave importance which must be interesting to all classes of Her Majesty's subjects, and having done so, I trust the hon. Gentleman will be satisfied with having directed the attention of the House to the subject. It is quite impossible that conduct like that which he has alleged in this case should take place without being the subject of public comment and examination. And whatever may be the merits of the case, no one can doubt that public discussion upon such subjects must ultimately be attended with public advantage. But I must recur again to the consideration of that point which I have already brought under the consideration of the House—that when a grievance like this is alleged, and a remedy exists, as I believe it does, the House surely will not sanction the issuing of a Commission of Inquiry which has no power to elicit and secure the information which it wishes to obtain; and if, on the other hand, no remedy does exist, it surely is the duty of Parliament to legislate upon such a subject, and to secure that in this, as in all other cases of grievance, a remedy should be supplied by law. In either alternative I cannot feel that the House of Commons would be taking a course which meets the difficulties of the case, or which becomes itself, if it only prays for a Commission of Inquiry to issue, which will go forth to perform its task without the power which is necessary to insure its fulfilment, and which will disappoint all public expectation, and can only lead to protracted discussions, without securing that settlement which we all desire. Let me also press upon the attention of the House that we only evade the difficulty by acceding to a Motion like that made by the hon. Gentleman. We should be establishing a precedent which you may be sure you would find, ere long, pregnant with difficulty and embarrassment. I cannot understand, if you adopt the Resolution of the hon. Gentleman, how a single clergyman can be be instituted to any living without the House of Commons interfering to challenge the propriety of his induction in every instance. What do you do by assenting to this Motion? You address Her Majesty to inquire into the propriety of the institution of an individual into a living; and a precedent will thus be furnished for continual mischievous interferences, but not for any beneficial settlement of the difficulties and grievances of which you complain. I trust, therefore, that the hon. Gentleman, satisfied with having brought amply and ably before the House a subject of very great importance, and indeed of an importance which cannot be exaggerated; satisfied also that none of the persons connected with these transactions can rest without placing their conduct fairly before the country; feeling that correct and complete views of all the circumstances connected with this case will now be the consequence of this discussion; feeling that it is his duty, from the position which he has taken himself with regard to this question, either to have recourse to the remedy which the law supplies, or, if the law supplies no remedy, himself to propose the redress which new legislation will offer; I say, Sir, that I trust that the hon. Gentleman, feeling these considerations, will not press to a division a Resolution which I am sure will be pregnant with great inconvenience and great embarrassment to our future deliberations. I therefore, beg to move the Previous Question.

Sir HARRY VERNEY hoped that his hon. Friend would not accept the advice which had just been given him by the right hon. Chancellor of the Exchequer. It must be evident to the House that this question was one of considerable embarrassment to the right hon. Gentleman, because, in spite of the command of language which he usually possessed, it was most evident to every individual present, that from the beginning to the end of his address he was at a greater loss for some means to answer the able speech of the hon. Gentleman who had brought this question forward, than he (Sir H. Verney) believed he had ever been before. The right hon. Gentleman, indeed, had found himself utterly unable to parry the attack which had been made upon a portion of the conduct of the Establishment to which they all belonged, and which they were all anxious, if possible, to defend. Did the right hon. Gentleman mean to stand there, as the First Minister of the Crown in that House, to tell them that the Queen, as "Defender of the Faith," had no power to institute an inquiry into circumstances of a most important nature connected with the Church? He (Sir H. Verney) could not believe that such was the fact. Was it to be stated in that House that a prelate had instituted a clergyman who had been guilty of the practices of which the Rev. Mr. Bennett had been guilty, and no answer was to be given to these allegations? There was far greater danger to the country from the abuse of their power by the dignitaries of the Church, than in the attacks of foreign foes, or of those who might seek to impair our institutions, greatness, and power. He therefore hoped that his hon. Friend the Member for Cockermouth would persevere with his Motion; that nothing would induce him to allow the question to be shelved, but that he would afford the House an opportunity of fairly and honestly expressing its opinion upon it.

Sir ROBERT H. INGLIS said, he agreed with the right hon. Gentleman the Chancellor of the Exchequer that that House was not a fit tribunal for the discussion and decision of a question like the one which had just been brought before them. The right hon. Gentleman had stated unanswerably, that if once they admitted the principle that an alleged grievance with respect to the institution of a particular individual was to be brought legitimately before the House, every subsequent presentation might be brought before them, and there would be few occasions on which there would not be found grounds more or less plausible for bringing such cases before the House. Granting, if they pleased, that there was a *primâ facie* case for inquiry, he defied his hon. Friend who last addressed the House, or any other person to contest the conclusion of the right hon. Chancellor of the Exchequer, namely, that if they adopted the Resolution, they could not stop there. Another point to be borne in mind was, that it would be a *brutum fulmen* for the Queen to grant the prayer of the Resolution, and issue a Commission of Inquiry; for did anybody in that House suppose that the parties implicated in this discussion would succumb to a Commission issued at the request of one branch of the Legislature only? Had they not had sufficient experience to show that the power to enforce attendance in such cases was absolutely wanting in such cases? He would not attempt to go into the merits of the particular case which the hon. Gentleman (Mr. Horsman) had brought before them. He limited himself to the consideration of the fact, that the House of Commons, consisting, not as an hon. Member had said, of members of the Church of England—he (Sir R. H. Inglis) wished it did—but of various sects, was not a fit tribunal for the decision of such a case. The hon. Member had flattered them a little too much when he assumed that the Members of that House were all equally interested either in the maintenance of the external fabric or the internal doctrine of the Church of England. The fact was, that they were not a tribunal to which any English churchman would willingly submit questions connected with either his faith or his practice as a churchman. Did the House consist—possibly it might—he often believed it did—of a majority of Members, nominally at all events, and perhaps consistently, attached to the Church of England? And even if this were so, would it be contended by any one that that House constituted such a tribunal as other members of the Church would willingly make their appeal to? Who in that House represented any of the four parties whose interests were now brought under discussion? Who represented the Rev. Mr. Bennet? who represented the parishioners of Frome? who represented the Bishop of Bath and Wells? or who represented the Bishop of London? Was it possible for that House to pass a Resolution like that proposed by the hon. Member for Cockermouth (Mr. Horsman), which anticipated and assumed the guilt which he called upon the House to investigate? The arguments and facts that had been brought forward were all one-sided, and were not met by any antagonistic statement by any one authorised to present it to the House. And he was satisfied they would best discharge their duty, and save the House from being in future the arena for such discussions as the present, by adopting the course proposed by the right hon. Gentleman the Chancellor of the Exchequer.

Mr. EWART said, that the same fallacy with respect to the proposition of his hon. Friend the Member for Cockermouth (Mr. Horsman) had pervaded the speeches both of the right hon. Chancellor of the Exchequer and of the hon. Member for the University of Oxford (Sir R. Inglis). His (Mr. Ewart's) hon. Friend had not called upon that House to constitute itself a tribunal for the investigation of this matter, but merely to interpose—to ask the proper authorities in whom the power was vested to conduct such an investigation. Now this, he maintained, was a perfectly constitutional course, and one which was constantly adopted in the cases of Addresses to the Crown. Nothing could be more absurd or impolitic than for that House to constitute itself a tribunal for the settlement of theological questions; but it had the power both of making laws and of putting the laws in motion, by appealing to the proper authorities who were charged with that duty: that was all that his hon. Friend had asked them to do.

Mr. HUME said, he would state clearly to the House the grounds upon which he would support the Motion. This House was no doubt the most improper tribunal for dealing with religious questions. But, then, the House had constituted itself such a tribunal. He never wished to hear such discussions in it, and had always deprecated them, but he did not see how they could be avoided so long as they had a Church established by law. The House having sanctioned a Church Establishment, and having laid down certain rules by which the discipline of that Church should be conducted, he thought they were bound to see that those rules were not violated. And that was all that was asked on the present occasion. It had laid down special rules for the government of that Church. A scandal had now arisen in that Church. The parishioners of Frome complained that a clergyman of that particular Church had been sent among them whose tenets and practices were contrary to the rules and stipulations of the law. They had appealed to the proper authority, the bishop of the diocese; and they had been refused redress. Well, what were they to do? They could not appeal to Her Majesty. They, therefore, came before that House, asking that justice should be done between them and the obnoxious pastor, and undertaking that on an inquiry it would be made apparent that the practices of Mr. Bennett were contrary to the faith they venerated, and, if permitted to be perserved in, would lead to the establishment of the Church of Rome instead of the Church of England. On what ground could the House of Commons resist the appeal, even granting that thus a precedent would be established? In that House Her Majesty's Ministers were acting for Her Majesty, and they were bound to see that the House should not overlook those things which were calculated to be injurious to the religion of which Her Majesty was the head. The right hon. Chancellor of the Exchequer met the Motion of his (Mr. Hume's) hon. Friend by denying the fitness of the tribunal to which he proposed to refer this question. But he (Mr. Hume) recollected twenty instances in which, in cases similar to this, Commissions of Inquiry had been appointed, on an Address of the House of Commons, to inquire into the existence of alleged grievances. He might refer to the well-known case of the Commission which was appointed in consequence of the Motion which he had brought forward with respect to the misappropriation of the revenues of the Church, and the evils which arose from the non-residence of the clergy. A Commission having been appointed to inquire into these subjects, a measure was passed which corrected the abuses to which he had referred; and to it he, in a great measure, attributed the improved usefulness and efficiency of the Church of England, and its greater freedom from abuses.

Surely, where the public property had been applied by law to the support of religious teachers, that House had a right, upon complaint being made of their conduct, to address the Crown to institute an inquiry into it. It would be next to insanity for a private Member to bring in a Bill on such a subject until the correctness of the facts stated by the inhabitants had been ascertained by inquiry. He believed that a more legitimate case for inquiry than the present had never been made out, and he warned those who now refused to inquire into the abuses of the Church that the time might come when those abuses would endanger the existence of the institution.

Mr. NEWDEGATE said, he felt the force of what had been stated by the right hon. Chancellor of the Exchequer, namely, that the constitution of the Church would most likely have provided a remedy for the grievance complained of. At the same time, it was possible that in the lapse of years the powers conferred by the Constitution for the remedy of such abuses might have grown rusty. He was, however, quite certain that, the question having been raised, the country would demand that it should be fully investigated: this was a question, which having been raised, must be dealt with. And though he should wish to leave it in the hands of the Government to decide how the investigation should be made, so that they in the proper and due exercise of the privilege vested in them of advising Her Majesty, should indicate the course that ought to be taken, he would beg the Government not to imagine that the question could be passed over without satisfying the public by a full inquiry. Although he deprecated the interposition of the authority of that House, since that might be thought to trench upon the independence of the Church of England, for his own part he did not see any specific objection to the Commons of England addressing the Crown upon this subject; nevertheless, he ventured, as an independent Member, determinately attached to the Church of England, to beg of the Government not to ask the House to ignore the proposition of the hon. Gentleman the Member for Cockermouth, without suggesting some practical means by which Her Majesty's authority, as temporal head of the Church, might be brought to bear upon this important question.

Sir JOHN PAKINGTON said, that his hon. Friend who had last spoken had said that as this question had been raised it ought to be dealt with, and in that opinion he most cordially concurred. He felt not only that this was a question which ought to be raised, but that, having been raised, it ought to be dealt with; and he would say for himself, as he believed he might say for every Member of Her Majesty's Government, that the matter ought not to rest in its present position, but that unquestionably inquiry ought to be made, and a remedy ought to be provided. At the same time he must say, not only as a Member of the Government and a Member of that House, but as a sincere and attached member of the Church of England, that, having listened with painful attention to the speech of the hon. Member for Cockermouth (Mr. Horsman), he did not think the plan suggested by the hon. Gentleman was the mode of inquiry which the House ought to adopt. He was bound to express his reasons for entertaining that opinion, and to call the attention of the hon. Member for Cockermouth to the fact, that the Resolution proposed by the hon. Gentleman went solely, as he (Sir J. Pakington) understood it, to call in question the conduct of the Bishop of Bath and Wells in having instituted Mr. Bennett to the vicarage of Frome. Without meaning to use the expression offensively towards the hon. Member for Cockermouth, he must say that this was, in fact, an attack upon the Bishop of Bath and Wells. Looking at the matter in this point of view, he thought they could not fail to remember that the Bishop of Bath and Wells was not only very advanced in years, but that his health was greatly impaired. ["Oh, oh!"] He could not vindicate the conduct of the Bishop of Bath and Wells, but it appeared to him that the question raised by the hon. Member for Cockermouth was not as to the conduct of that prelate in having instituted Mr. Bennett to the living of Frome without further inquiry—though that circumstance he did not hesitate to say that he (Sir J. Pakington), for one, regretted—but the real question raised by the hon. Member for Cockermouth was really as to the alleged conduct of Mr. Bennett at Kissengen. He certainly thought the alleged conduct of Mr. Bennett at Kissengen ought to be made the subject of inquiry, for it appeared to him that if the statement of the hon. Member for Cockermouth, which had been made with great particularity, and was supported by evidence which appeared of the most respectable character, was true, Mr. Bennett must be regarded as being a Roman Catholic, and as therefore entirely unfit to hold preferment in the Church of England. He (Sir J. Pakington) did not wish to prejudge the case; but whatever the conduct of Mr. Bennett might have been at Kissengen, they had every reason to suppose that it was unknown to the Bishop of Bath and Wells at the time he instituted Mr. Bennett. He believed, indeed, that if the subject were investigated, it would be found that the institution of Mr. Bennett to the vicarage of Frome was the means of bringing out the statements they had heard, and that previously to his institution those circumstances which had been detailed by the hon. Member for Cockermouth had not been made known in this country. But the Motion of the hon. Member did not touch Mr. Bennett's conduct at Kissengen; and he (Sir J. Pakington) thought, looking at the extreme danger and inconvenience of making these matters the subject of discussion in the House of Commons, except under circumstances of the most pressing necessity, that it would be most unadvisable—setting aside the transactions at Kissengen—to make the mere institution of Mr. Bennett to the living of Frome the subject of a Motion in that House. He did not think, indeed, that the hon. Gentleman would have touched that question had it not been for the remarkable circumstances stated, whether truly or not, to have occurred at Kissengen. He (Sir J. Pakington) would only further advert to the observations made by the hon. Gentleman with reference to the letters dimissory of Mr. Bennett having been signed by the Bishop of London. He (Sir J. Pakington) did not feel at liberty to make any authoritative statement in that House on the subject; but it happened to be within his own knowledge, upon authority he could not doubt, that the language used by the Bishop of London had been such that he was strongly convinced if that language were known to the hon. Member for Cockermouth, he would not feel the slightest disposition to complain of the conduct of the Bishop of London. Looking to the inconvenience of making this question the subject of a Parliamentary discussion—looking also to the shape in which the hon. Gentleman had drawn the Resolution—and looking likewise to the fact that it went only to impugn the conduct of the Bishop of Bath and Wells for instituting the gentleman under circumstances different from those now before the House, he felt the right course for the House to take was, to say the question should not be put. He hoped what had passed in the House on that occasion would be the means of causing an inquiry, and that the statement that had been made respecting the conduct of the Rev. Mr. Bennett at Kissengen would be fully investigated.

LORD JOHN RUSSELL: Sir, I trust that the statement that has been just made by the right hon. Gentleman the Colonial Secretary may be the means of relieving, if not the whole House, certainly some Members of the House, from very considerable embarassment. It is impossible to deny that this a subject on which the House has a right to demand explanation. I do not agree in the observation of my hon. Friend the Member for the University of Oxford (Sir R. Inglis), for it appears to me he would exclude the House from any right to make inquiry with respect to matters of this kind. The House of Commons was a party to the passing the Act of Uniformity; and I believe that was passed when Protestant Dissenters were Members of the House, and, if I mistake not, at a time when Roman Catholics might sit in the House, and the Act of Uniformity being an Act of Parliament, the House has a right to inquire whether clergymen appointed to benefices are faithful Members of the Church of England, and whether, in fact, they don't belong to some other Christian community. Having thus, as I conceive, established the right of the House to interfere, I own I feel the greatest difficulty in exercising that right. I feel the greatest difficulty, both as to the mode in which that right may be exercised, and the consequences to which its exercise may lead. I cannot but feel that if a Commission is appointed that has not in fact greater powers than are allowed to be conferred by the Crown, and which cannot be had without an Act of Parliament, you may only provoke hostility and refusals to answer, and thus may create great dissensions between this branch of the Legislature, and a portion of the clergy of the Church of England. I cannot but feel also that if the House does interfere, it would be most unfortunate if the remedy they adopted, should be insufficient. I feel likewise with regard to this case, the want of those lights which we had at former times from Members of this House, who were peculiarly qualified to give opinions on a subject of this nature. I allude particularly to a right hon. Friend of mine, a Member of this House, and another learned Gentleman, a Member of the House, now absent, who might, if they were present, inform us with respect to the point on which the right hon. Gentleman the Chancellor of the Exchequer naturally expressed himself with doubt and hesitation, namely, whether there could be an appeal on the part of the inhabitants of Frome from the Bishop of Bath and Wells to the Archbishop of Canterbury, and how far the law is able to deal with the question at present. I feel with regard to this particular case, that in a great degree we are uninformed as to the fact that has been last mentioned by the right hon. Gentleman (Sir J. Pakington), namely, the terms in which the Bishop of London expressed his opinion in the testimonial or letters dimissory to the Bishop of Bath and Wells. The House is without the means of judging on that point, because, with respect to the facts that came before the Bishop of Bath and Wells when he was asked to induct the Rev. Mr. Bennett, the circumstances are unknown to us. It might be said by the hon. Gentleman who brought forward the subject with so much ability, that that is a reason for inquiry. I am ready to admit it is a reason for inquiry, but still I feel the greatest hesitation in giving a vote for an Address to the Crown, thus beginning the inquiry on the part of the House of Commons. If I understand the right hon. Gentleman the Secretary of State for the Colonies, he thinks it is a proper subject for an inquiry, and that there ought to be inquiry. I feel the better course is, that we should wait until some of the Ministers of the Crown are able to ascertain better the facts of the case, when they with due authority, and looking to such questions as they may think fit to be put, may ask such explanations as they may seek in a most friendly spirit, and not with a view to anything like accusation or impeachment. That is the mode in which they should make the inquiry, and we would then be better able to decide what should be done. I cannot but think that it may finally be the duty of the Ministers of the Crown, not to make new laws, but to provide for the more easy operation of the laws that are at present existing. Those who are most learned on the subject, and whom I have consulted, have always informed me that, with respect to some points, there is the greatest difficulty in obtaining the means of redress which the law provides. The whole subject being one of such transcendent importance, and fraught with consequences so serious, I shall feel for my own part—and I hope the House will be inclined to agree with me—that before we deal with it, we should rather leave it to the Ministers of the Crown to consider what steps they should take. Let them at some further day declare whether they have found any mode of inquiry that is satisfactory, and let them lay any facts they may ascertain before the House. Until that period arrives, I cannot consent to be a party to an Address to the Crown.

Mr. HENRY DRUMMOND said, that his hon. Friend below him (Sir R. Inglis) had raised the question whether subjects of this nature were properly brought before that House. Now, there was one point upon which he thought it would be evident that that House alone was the proper tribunal, and that was in asserting the rights of the laity against the usurpations of the priesthood. He was contending against things, and not against persons, and he cared little whether a man called himself a Papist or a Protestant; but he was against those who said that the priests were the Church, and that the laity were not the Church. Whatever might, in the lapse of time, have come to be the practice, the original law was unquestionably this—and he believed it to be the law now, however long it might have been in abeyance—that no person could be appointed over any flock in the Church without that flock itself, by some means or another, testifying their acquiescence in such appointment. This was a system which ought to be again established.

Mr. SPOONER thought that the case would be much worse, and the consequences most serious, if, when they were told the facts which were then disclosed, they, the Commons of England, were to say that these facts should not be entertained by them—they would meet the Motion at once with the Previous Question. He agreed with the right hon. Gentleman the Secretary for the Colonies that the inquiry was one that ought to be raised, and must be disposed of. But was it disposing of it to say that they would not entertain it? He said fearlessly that that was not the way the country would consent to have such an important question treated. The turn which the discussion had taken exhibited a tendency to leave out the main points submitted to them. The facts of the case, which, according to the statement of the hon. Member for Cockermouth (Mr. Horsman), could be easily proved, were these—that a professed cleryman of the Church of England, who was dismissed by his bishop, or rather whose resignation was obtained upon certain terms, which conveyed the opinion of the Bishop of London of his being unfaithful to his Church, had been subsequently living abroad for several months in the same year, during which time he was in the daily habit of attending the Roman Catholic mass; that that man was now acting as a Protestant clergyman, having been instituted by a Protestant bishop to preside over a Protestant congregation. He asked whether such a statement as that made in the House of Commons by an hon. Member in his place, who stated that he was prepared to prove it, was sufficient to justify them in voting for the Previous Question? He, for one, could do no such thing; neither could he absent himself from such a division, as he believed others were about to do; that was not his habit. His constituents had a right to know his opinions, and their opinions should be represented by him in that House. If the question were pressed to a division, he (Mr. Spooner) must vote with the hon. Member for Cockermouth; but it was yet in the power of the Government to avert a great evil; they had gone half-way, and he wished they would go the whole, and adopt the hint thrown out by the noble Lord the Member for London. He wished them to admit that the hon. Gentleman had made out a strong *primâ facie* case—that he had stated facts into which the Commons of England were bound to inquire—and then they might ask them to pause before they passed the Resolution, because the means proposed by it were not effectual for the purpose, and might be productive of very great inconvenience. Let the Government say that they would themselves enter into the inquiry; that on consultation they would recommend the Crown to adopt such steps as they should think necessary; and that they would come to Parliament for authority, if need be, to carry out those measures, and for the remedying of that which was a great and crying evil. They would be dreadfully negligent of their duty if they met this Motion with the Previous Question, and he hoped some Member of the Government would give the House the assurance he had demanded from them.

Mr. MANGLES said, he considered that the House of Commons was the proper tribunal before which such grievances as that now complained of should be brought; and the object of his hon. Friend (Mr. Horsman) was to induce the House respectfully to entreat Her Majesty, as head of the Church, to investigate the allegations which had been made, and ascertain how the case really stood. It seemed to be thought that inquiries of this nature were injurious to the Church; but he believed it was far more dangerous to the Church that such matters should be concealed, than that they should be inquired into, for he believed the real weakness of the Church consisted in concealment. The right hon. Baronet (Sir J. Pakington) had expressed his opinion that the main point at issue was the conduct of Mr. Bennett at Kissingen; but he (Mr. Mangles) thought the most important question was whether the Bishop of Bath and Wells had instituted Mr. Bennett to the living of Frome, knowing that he had been dismissed from the diocese of London for recorded unfaithfulness. The right hon. Gentleman opposite had objected to the weakness of the instrumentality proposed, and said that the bishop and the parties implicated might refuse to answer if there was a Commission of Inquiry. ["No!"] Well, it was so objected by some Gentleman on the opposite (the Ministerial) side of the House. But was that their notion of the loyalty of the bishops, that when called upon by the Queen, the temporal head of the Church, they would give no answer to charges such as these? He (Mr. Mangles) would not believe it till he saw it; but, if it were so, an Act of Parliament ought to be passed compelling them to answer. He would join in requesting his hon. Friend (Mr. Horsman) to withdraw the Motion, if the House had a plain, explicit, unmistakeable pledge from the Government that they would institute a real, *bonâ fide*, searching inquiry, and lay the results of it before the House; but he would say, if they did not give such a pledge, let there be a division, and let the result be before the country. This was no party question, and it would be no discredit to them to withdraw from their proposition to move the Previous Question. It would be a triumph to none but the sincere friends of the Church of England, among whom they ranked very high.

Mr. GLADSTONE: Sir, I can assure the House that if they give me their attention for a short period, I shall not further trespass upon them, because I am not now going to enter at large into the discussion of this question. We have heard the long series of allegations of the hon. Member for Cockermouth, stated by him with great ability, as I am bound to confess; but it is not, in my opinion, at this moment those allegations are to be examined. I am far from pretending to a complete knowledge of the case, but I am bound to say, from the partial knowledge of it which I possess, that I am ready to confute in important parts the allegations of the hon. Gentleman, and to show the hon. Gentleman that he has not even cited correctly the documents he laid before the House. That course I am ready at the proper time to adopt. [Mr. HORSMAN: Do it now.] The hon. Gentleman tells me to do it now, and I will do it in one instance. The hon. Gentleman has stated that the prayer of the memorial to the Bishop of Bath and Wells was a humble and modest prayer that the case should be considered and inquired into. The hon. Gentleman has distinctly stated that in the memorial presented to the Bishop of Bath and Wells the prayer was that he would consider and inquire into the statements; and the hon. Gentleman said, to this moderate prayer this haughty prelate, with a spirit savouring too much of Laud's, would not accede. Now I happen to hold a pamphlet in my hand, published by a gentleman named Crutwell—who was adverse to the Rev. Mr. Bennett at Frome—in the appendix to which I find the memorial to the Bishop of Bath and Wells; and the prayer of that memorial is not "to consider and inquire," but "We earnestly pray your Lordship not to grant institution to the Rev. Mr. Bennett." [Mr. HORSMAN: I beg your pardon; they had asked the bishop not to grant institution for a fortnight.] I want to know if a demand to make an inquiry is the same thing as a demand to refuse institution to the Rev. Mr. Bennett. I should have confined myself to entering my protest against being bound hereafter, by my silence at the present time, to all the allegations of the hon. Gentleman, if I had not been drawn forth by the challenge of the hon. Gentleman. I fully agree with him that some of those allegations are material, if those allegations can be proved. If a man pretending to be a clergyman of the Church of England, appears to be by his actions, or is in his heart, a member of the Church of Rome, I grant that such a man merits condign punishment. Such a case is a case so grievous, that however inexpedient it may be to introduce theological discussions into this House, it cannot be passed over or excluded from their attention. I object, however, to all indefinite pledges, and I think it right we should know to what issue we are proceeding. The noble Lord the Member for London has, I think, wisely and judiciously suggested that the Government might beneficially intervene in this matter. Nothing should induce me to agree to a Motion that the Crown should do in a formal manner that which, if done in a formal manner, it must fail in effecting, because it has no legal or constitutional power to do so; but I grant that a most serious question is raised, and it is whether the Bishop of Bath and Wells, in proceeding to institute Mr. Bennett into the living of Frome, has proceeded according to the letter and the spirit of the law. If that be the question before the House, and so I understand it, of course all the conduct of the bishop is relevant to that question. If that be the question before the House, it appears to me that under the difficulties of the case, the Government might—not in consequence of an Address from the Throne from this House —but might in a friendly spirit make such an investigation of the facts as would enable them to judge whether any and what further steps ought to be taken in the matter. Because I confess that I, for one, long have felt that our ecclesiastical law (I am not now giving an opinion adverse to any party) is in a very defective and imperfect condition with respect to the case, which I grant may be a rare case, but which is certainly a possible case, namely, the case in which it may be necessary to put the law in motion against a bishop for the purpose of tying him up to his duty. Therefore, I would recommend, if I may presume to do so, the adoption of the suggestion of the noble Lord (Lord J. Russell), and I shall go further and suggest, that in addition to an inquiry into the matter of fact in the case, there shall also be an inquiry to ascertain whether the Bishop of Bath and Wells has or has not proceeded according to the spirit and letter of the law. I feel satisfied that if the Government undertake that inquiry in the discreet manner in which they address themselves to this discussion, beneficial results must proceed from it—that they will be in a position to form a judgment on them, and to acquaint the House if the state of the law is such as to require, or admit of, beneficial alteration.

Mr. WALPOLE: Sir, I beg to say a few words on what I cannot but term a very painful discussion. In my opinion all those questions which make the House of Commons an arena for theological discussion, are, except where there is an unavoidable necessity, very much to be regretted; at the same time I concur entirely in what the right hon. Gentleman who has just sat down has said, that a case has been made which not only invites but requires inquiry. If any individual professing to be a minister of the Church of England has obtained an institution to any benefice in that Church, when he is in fact, or is likely to become, a member of some other Christian communion, that is a state of things that ought not to be allowed; and if the law is not strong enough to meet his case, it ought to be made strong enough for that purpose. The hon. Gentlemen the Members for North Warwickshire have said that by moving the Previous Question we are shelving the discussion; but allow me to remind the hon. Gentlemen that such is not the case. If you adopt the Amendment of the Previous Question, you are simply stating that the question ought not now to be put. Now, that is a very important consideration. In reference to the Motion of the hon. Member for Cockermouth (Mr. Horsman), which he has now brought forward, let me call the attention of the House to a fact connected with it. The Motion stood on the Notice-book for a fortnight in this form, namely, that the hon. Member was going to call the attention of the House to the circumstances attending the presentation and "institution of the Rev. Mr. Bennett to the vicarage of Frome;" but until yesterday evening the House was not really aware of the way in which the Motion was going to be put. I have asked the question of several of my hon. Friends in the House, and we were not aware that the discussion would take the turn which it has taken in consequence of the manner in which the notice has been brought forward. I mention this fact, in common fairness and justice, for the purpose of showing that those individuals who are referred to in the very able speech of the hon. Gentleman, should have a proper opportunity of explaining the circumstances of the case as far as relates to them: I mean the Bishop of London, the Bishop of Bath and Wells, and the patroness of the living. The subject has never been brought to their attention, nor could it have been brought to their attention in such a manner that an answer could be made in the House on their behalf by some Gentleman properly instructed and authorised for that purpose. I put it to the House whether, under those circumstances, moving the Previous Question is not the proper course to be taken? The noble Lord the Member for the City of London (Lord John Russell) has suggested that the Government should institute an inquiry; and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) has supported that suggestion. They have recommended that such inquiry should be made in a friendly spirit, and should have reference to the presentation of the Rev. Mr. Bennett to the vicarage of Frome, and to the state of the law on the subject; and also as to whether the law should in future be altered. Further than that I don't think the House could ask the Government to undertake—that the House may require us to do. That is the proper way to consider the question, so that justice may be done to all parties, and not to move an Address on what may be uncertain information. That is the course to take in order that the question may be thoroughly sifted and investigated before any imputations are passed upon any persons. That is the way in which a remedy may be applied in a friendly spirit; and it is our wish to proceed in that spirit, if we are permitted to do so.

Lord ROBERT GROSVENOR said, that but for the promise which had been made by the right hon. Gentleman (Mr. Walpole) on behalf of the Government, he should have felt it to be his duty to vote for the Motion of the hon. Member for Cockermouth (Mr. Horsman); but after the promise had been made that the subject which had to-night been brought before the House should be thoroughly investigated, and in a friendly manner, by the Government, and that they would then come forward and state whether or not it was desirable that the law should be altered, he trusted the hon. Member would not press his Motion to a division.

Mr. AGLIONBY hoped the opinions of those hon. Members who agreed with his hon. Colleague (Mr. Horsman) in thinking that an inquiry was demanded in this matter, which was one certainly of great importance to the nation, would be shown to the public by a division upon the subject. He could not concur with the noble Lord who spoke last, when he said he was satisfied with the speech of the right hon. Home Secretary. For his part, he should like to know, first, when the inquiry was to be made, by whom it was to be made, what power the Government had to make that inquiry, and when the House would have an opportunity of considering and deciding upon the report of such an inquiry. So far from being satisfied, then, his previous dissatisfaction was only increased by the speech of the right hon. Gentleman. From the right hon. Chancellor of the Exchequer he heard not a word about the concession of an inquiry. On the contrary, the right hon. Gentleman said the House of Commons was not a fit place for theological controversy, and that it was inconvenient to discuss these questions there. True, it was not the place for theological controversy; but, in his opinion, it was the place of all others in which an appeal ought to be made for an inquiry; and he (Mr. Aglionby) thought the House would not be doing its duty to the country if it did not express its wish and determination that an inquiry should be made. He hoped, therefore, that his hon. Colleague would divide.

Mr. HORSMAN said, he had not the slightest difficulty in deciding as to the course which he felt it was his duty to pursue, though he had certainly some difficulty in reconciling the various reasons which had been urged upon him for adopting a different course. Before noticing them, however, he must be permitted to say one word with regard to the extraordinary attack, he might call it, which had been made against him by the right hon. Member for the University of Oxford (Mr. Gladstone). That right hon. Gentleman set out by observing, that at the proper time he would be prepared to impugn and disprove some of his (Mr. Horsman's) most important statements. Now, considering that these statements had been made in the presence of the assembled House of Commons, he thought the proper time for confuting them was the time at which they were made, and in the presence of the same Member who had listened to those statements. But the right hon. Gentleman did not think it a convenient time, and wished to postpone his confutation to a more appropriate season. He (Mr. Horsman) invited the right hon. Gentleman while speaking to confute his statements. Oh! said the right hon. Gentleman, "I will do so now;" and he thereupon proceeded to notice one of those statements, but left all the others untouched. In endeavouring to show, however, how capable he (Mr. Horsman) was of misquoting, the right hon. Gentleman was himself guilty of one of the grossest misquotations he had ever heard in that House. ["No, no!"] He would prove it. The right hon. Gentleman said that he (Mr. Horsman) had stated that the memorialists called upon the Bishop of Bath and Wells to institute an inquiry, and that to that petition he gave the answer which he (Mr. Horsman) had characterised as a haughty answer—an answer which breathed the spirit of Laud. Now, it so happened that he did not apply these expressions to the answer which was returned to the memorial, but to the answer which was returned to the second letter addressed to the Bishop of Bath and Wells. He had stated that that second letter of the bishop well deserved to be characterised as he (Mr. Horsman) had characterised it. That letter was an answer to a reasonable request to give the parties fourteen days more delay, and it was that answer which he had designated as haughty, and as breathing the spirit of Laud. He asked the House then, whether the right hon. Gentleman had not made a charge which was totally unbecoming of him, and which the right hon. Gentleman himself must regard in that light. The right hon. Gentleman said that he (Mr. Horsman) must be aware that he had not fairly quoted the documents which he had brought before that House. What was the meaning of that expression? Did the right hon. Gentleman mean that holding a document in his hand, he (Mr. Horsman) had falsified its reading to the House; the right hon. Gentleman having a counterpart of that document in his own hand at the time, and being thus, if such had been the case, enabled to detect it? Was that the right hon. Gentleman's meaning? But he would not pursue the subject further. He would leave it to the right hon. Gentleman and the House to say whether, for the statement he had made, he deserved an accusation which he should be ashamed to make against the right hon. Gentleman, or any other Member of that House. Of the manner in which his Motion had been treated by other hon. Gentlemen who had taken part in the debate, he had not the smallest disposition to complain. He must admit, as the right hon. Chancellor of the Exchequer had observed, that the Motion was an embarrassing one. It was equally true that everything connected with those questions which respected the Established Church, and which so much agitated the country, was most embarrassing. But what was that Church of England of which they had been speaking? Was it not a Church that had been established by Act of Parliament? Did it not rest upon an Act of Parliament? Did not its ministers receive their privileges and pay under an Act of Parliament? And if the Parliament of England had established a Church, with a staff of ministers for the propagation of a particular faith, and the teaching of certain doctrines, and if it were alleged that the men who were the agents and servants of that Church used their privileges and their power to teach very different doctrines, then he wanted to know whether the Parliament, which had established that Church for certain purposes, was not in reality the very tribunal to consider whether those purposes had been answered or not? The right hon. Gentleman the Chancellor of the Exchequer said that the Motion was very vague and indefinite in its character. Of course, he (Mr. Horsman) was quite prepared, in bringing forward an ecclesiastical question for the consideration of the House of Commons, to find it objected to as a question of great difficulty, delicacy, and embarrassment. He knew very well that the first objection that would be taken to his Motion would be one of a technical kind. He knew that if he had proposed a Commission it would have been objected to, and that the very fact of its being a definite course would have laid it open to difficulty. What did he do then? He proposed merely that Her Majesty, as head of the Church, should be petitioned by this House, graciously to institute an inquiry —that inquiry being, of course, carried on in the manner which had been suggested on that (the Opposition) side of the House, upon the advice, and under the responsibility and direction, of the Ministers of the Crown. He proposed that the House of Commons should address Her Majesty for an inquiry; but he left the mode of inquiry expressly open to the Government. It was not for him to suggest, nor was it for this House to dictate to them, what should be the mode of inquiry. If the Government agreed to an inquiry, the matter would be entirely in their own hands to advise the Crown to institute that inquiry in such a manner as they might deem most efficient and proper; and his Motion expressly and purposely left to the Government the very fullest powers and the largest discretion. The hon. Gentleman the Member for the University of Oxford stated that he could not agree to a Commission appointed by one branch of the Legislature. He (Mr. Horsman) had never heard the Queen of England designated as one branch of the Legislature; and the hon. Gentleman was well enough acquainted with Parliamentary Precedent Law to know that the course he (Mr. Horsman) had suggested in his Motion was strictly in accordance with it. He had not proposed that the House should legislate on this question. If, under all the circumstances, the Government would institute this inquiry, he would readily leave it in their hands, but it must not be what the right hon. Home Secretary had termed a friendly inquiry. He (Mr. Horsman) knew what those friendly inquiries meant. This must be a judicial inquiry. The House of Commons had a right to have a judicial inquiry on this question, and provided the Government would institute that judicial inquiry he would leave it in their hands. Nothing less than a judicial inquiry would satisfy him, especially after what had fallen from the Government, that the matter ought not to rest where it was. Whether in reference to this matter, or in regard to the interests of the Church, he thought it was the duty of the Government to institute such an inquiry. Under these circumstances he did not think he should be doing his duty if he withdrew his Motion. The subject was of far too grave a character to be dealt with in that manner, and he had brought forward his Motion in the hope that it would lead to a substantial result.

Mr. GLADSTONE said, he thought the House would feel that some explanation was due from him after what had fallen from the hon. Gentleman who had just resumed his seat. The hon. Gentleman said that he (Mr. Gladstone) charged him with not having honestly quoted a document to which he had referred. His (Mr. Gladstone's) memory might err, like that of others, but his recollection was strong that he had never used any word so improper or offensive. If he had used such a word, he would be the first to apologise for having done so; but he was quite certain that he did not use it. The hon. Gentleman charged him with using the word "honestly," and he (Mr. Gladstone) would appeal to the House whether he had used such a term?

The CHANCELLOR OF THE EXCHE-

QUER said, he must say one word in explanation. The hon. Gentleman (Mr. Horsman) had very much mistaken what he (the Chancellor of the Exchequer) had said. He never denied for a moment the great importance of the subject which the hon. Gentleman had brought forward. On the contrary, he said it was impossible to exaggerate its importance. He said at the same time that he did not see that the proposition made by the hon. Gentleman would meet the difficulty with which they had to contend. The circumstances on which the hon. Gentleman dilated were but very imperfectly known to many hon. Gentlemen in that House; and listening to his statement with the greatest attention, he (the Chancellor of the Exchequer) acknowledged at once the vast importance of it. He said at the same time that the proposition the hon. Gentleman made was one which would not meet the difficulty; but he (the Chancellor of the Exchequer) in no way intended to convey to the House that he himself did not feel the absolute necessity for inquiry. When the hon. Gentleman said a friendly inquiry had been offered, but that he wished a judicial inquiry, he (the Chancellor of the Exchequer) must say he did not see how, as at present advised, a judicial inquiry could be instituted. He would not talk of a friendly inquiry, nor could he promise a judicial inquiry, but he would promise that there should be a *bonâ fide* one. He thought that was all that the hon. Gentleman ought to ask the Government to do, considering that the important subject he had brought before the House was surrounded with so many difficulties. He (the Chancellor of the Exchequer) thought this was not a case for a judicial inquiry, as at present advised, and he could only state on the part of the Government that it should be a *bonâ fide* inquiry into the grave circumstances alleged, and he could say no more.

Whereupon the *Previous Question* was put, "That that Question be now put."

The House *divided*:—Ayes 80; Noes 100: Majority 20.

List of the AYES.

Adair, R. A. S.
Aglionby, H. A.
Baines, rt. hon. M. T.
Bass, M. T.
Bell, J.
Bernal, R.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, W.
Buxton, Sir E. N.
Carter, J. B.
Childers, J. W.
Clay, J.
Clay, Sir W.
Cobden, R.
Coke, hon. E. K.
Crowder, R. B.
D'Eyncourt, rt. hn. C.T.
Duncan, G.
Dundas, rt. hon. Sir D.
Ellis, J.
Evans, W.
Ewart, W.
Fergus, J.
Foley, hon. J. H. H.
Fox, W. J.
Freestun, Col.
Frewen, C. H.
Geach, C.
Glyn, G. C.
Grenfell, C. P.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Henry, A.
Heywood, J.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hume, J.
Humphery, Ald.
Jackson, W.
Kershaw, J.
Loch, J.
Loveden, P.
M'Gregor, J.
Mangles, R. D.
Martin, J.
Mitchell, T. A.
Molesworth, Sir W.
Morris, D.
Mostyn, hon. E.M.L.
Mowatt, F.
Muntz, G. F.
Ogle, S. C. H.
Paget, Lord G.
Pechell, Sir G. B.
Perfect, R.
Pigot, F.
Ricardo, O.
Scholefield, W.
Scobell, Capt.
Sheridan, R. B.
Smith, J. A.
Stanford, J. F.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Thompson, Col.
Thornely, T.
Tollemache, J.
Verney, Sir H.
Wakley, T.
Walmsley, Sir J.
Williams, W.
Wilson, M.
Wortley, rt. hon. J. S.
Wyvill, M.

TELLERS.

Horsman, E.
Berkeley, G.

List of the NOES.

Adderley, C. B.
Archdall, Capt. M.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Bankes, rt. hon. G.
Barrow, W. H.
Bentinck, Lord H.
Beresford, rt. hon. W.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bridges, Sir B. W.
Broadwood, H.
Bruce, C. L. C.
Castlereagh, Visct.
Chandos, Marq. of
Christopher, rt. hn. R.A.
Collins, T.
Cotton, hon. W. H. S.
Disraeli, rt. hon. B.
Drumlanrig, Visct.
Duncombe, hon. O.
Dunne, Col.
East, Sir J. B.
Evelyn, W. J.
Forester, hon. G. C. W.
Fox, S. W. L.
Freshfield, J. W.
Fuller, A. E.
Gallwey, Sir W. P.
Gilpin, Col.
Gladstone, rt. hon. W.E.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Grosvenor, Lord R.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, Lord C.
Heneage, G. H. W.
Heneage, E.
Henley, rt. hon. J. W.
Herbert, H. A.
Hervey, Lord A.
Hope, Sir J.
Hotham, Lord
Hudson, G.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
Morgan, O.
Murphy, F. S.
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Pakington, rt. hon. Sir J.
Pigot, Sir R.
Portal, M.

Prime, R.
Reid, Gen.
Richards, R.
Russell, Lord J.
Scott, hon. F.
Sibthorp, Col.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Tennent, Sir J. E.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vivian, J. E.
Vyse, R. H. R. H.
Wall, C. B.
Walpole, rt. hon. S. H.
Whiteside, J.
Wigram, L. T.
Williams, T. P.
Wood, Sir W. P.

TELLERS.
Mackenzie, W. F.
Bateson, T.

HUNGARIAN REFUGEES.

Lord DUDLEY STUART, in moving for copies of communications which have passed between the Government of this country and Turkey, said, it might be in the recollection of the House that very early in the year 1850—he believed in the first week of the Session—he drew their attention to the events which had then lately occurred in Hungary and Turkey, and to the unjustifiable demands which had been made by Austria and Russia for the surrender of certain refugees, who had been engaged in the struggle that had taken place for the liberty and independence of Hungary, and who had afterwards sought an asylum in the territories of Turkey. A debate, which occupied a considerable number of hours, and in which many hon. Members took part, ensued, and the result was that the noble Lord the Member for Tiverton (Viscount Palmerston), after stating his opinion upon these transactions, agreed to lay upon the table of the House a selection from the despatches which had passed between this and the different Governments interested in the question. A very considerable time elapsed before those papers were forthcoming, and it was not, in fact, till the year following, after he (Lord D. Stuart) had publicly in that House reminded his noble Friend of his promise, that it was fulfilled, and the noble Lord laid on the table two sets of despatches. The object of his Motion, was, that this correspondence, which only extended to April, 1850, should now be brought down to the liberation of the refugees, that was, to the 1st of September in last year, and should thus be completed. He really had no idea that any objection would have been felt by the Government to this Motion, which appeared to him a very simple one, and one that he expected would have been granted as a matter of course, as an unopposed return. He brought forward the Motion with a *bonâ fide* desire to obtain the papers he asked for, and certainly not as a peg ne which to hang a speech or a debate. The noble Lord (Viscount Palmerston) had told him that in his (Viscount Palmerston's) opinion a careful selection from the despatches would be of great advantage; and the noble Lord at the head of the late Government (Lord J. Russell), said that if these papers were laid upon the table of the House, they would prove that the British Government had in reality done that which the American Government claimed to have done, namely, that it had been the author of the liberation of the captives who had been so unjustly detained at Kintayah. The present Chancellor of the Exchequer, when he (Lord D. Stuart) applied to him on this subject, very obligingly said he could not think there would be any objection to the production of those papers, but that he must consult the Foreign Office before giving a positive answer. He (Lord D. Stuart) had since learnt with regret that the right hon. Gentleman would feel it his duty to oppose this Motion. He was at a loss to know on what grounds such a Motion could be resisted. Not one of the despatches called for bore the signature of the present Government; indeed they must necessarily have been signed by the noble Lord the Member for Tiverton, or those who were subordinate to him. It could not be said that to grant the Motion, would interfere with any negotiations in progress; for all the negotiations on the subject had been brought to a conclusion when the refugees were set at liberty. Neither could it be argued, as sometimes was done, that the transactions referred to, were of too old a date to be of any interest; for not a year had passed since their termination. In fact, this was precisely the proper time when the information sought for, ought to be supplied. The affairs in question were of the gravest consequence; they had been the cause of the movements of large fleets; had agitated every Court in Europe, and had occasioned apprehensions of a general war. It was well known then when the refugees from Hungary sought shelter in Turkey, the Governments of Austria and Russia addressed to the Sutan a demand at which the feelings of all Europe revolted, that those refugees should be delivered up to the vengeance of those Governments. The British Government had on that occasion taken a prominent part in defending the threatened independance of Turkey, and assisting her to resist the unjust and inhuman demands of her overbearing and tyrannical neighbours; and he (Lord D, Stuart) believed that if the papers he asked for were produced, it would appear that, just as it was beyond a question owing to the timely and prompt interference of the British Government, and chiefly of his noble Friend the Member for Tiverton, that the lives of the refugees were in the first instance saved, so was their ultimate liberation due in the main to the representations of that great Minister. The Government of the United States had, it was true, displayed a similar interest in the fate of these presecuted men, and had generously sent a frigate to the Dardanelles in order to facilitate the departure of Kossuth and his companions from the place of their captivity, and had no doubt urged upon the Porte the propriety of liberating the captives. He rejoiced, that England and America were united in so great and noble a purpose as that of obtaining the liberation of Kossuth, and the other refugees. He (Lord D. Stuart) was quite ready and most anxious to give the United States Government all the credit which their exertions deserved; but he believed that if it had not been for the energetic representations of the noble Lord (Viscount Palmerston) the *Mississippi* steamer would have been at the Dardanelles until now, and would not yet have shipped her cargo of patriots. The truth in this matter would, however, be established by the papers for which he was moving; and if they were laid upon the table of the House, the public would be able to form a just opinion upon the circumstances of the case. Some persons even denied that the British Government had had anything to do with the matter, and asserted that the liberation of Kossuth and his companions was an act of clemency on the part of the Austrian and Russian Governments. The public would be able to judge whether this had been so, if they had the documents before them: if they were withheld, the House and the country would have a right to complain that they did not receive the information to which they were entitled. The papers ought to be given, for the justification of the noble Lord the Member for Tiverton; and while he did not want to impute personal motives in the attempt to withhold the papers, he must say there did appear to be something like a want of generosity to the late Government in now withholding them. The only reason that could be given for withholding them was, that it might be unpleasant to the Governments of Austria and of Russia to have it shown that the representations of the British Ambassador at Constantinople were attended with more weight than theirs were. The despotic Governments trembled at the idea of the refugees being at large, and they had endeavoured to intimidate the Sultan to continue their unjust detention; for much as he (Lord D. Stuart) applauded the conduct of the Sultan in refusing to give them up, and in having afterwards set them at liberty, still he could not deny that it was unjust to have kept them in prison at all. The only reason why he had detained them was to propitiate his powerful neighbours, who had pressed upon him their detention, with an urgency which it required all the intrepidity of the Sultan to resist. He (Lord D. Stuart) would tell the House what it was which made the despotic Powers so anxious on this subject, and what it was of which they were afraid. The noble Lord the Member for Tiverton had lately said in this House, that the fears which powerful Governments like those of Russia and Austria entertained of the proceedings of men in the position of refugees in this country were unreasonable and exaggerated—for that refugees without arms, without money, with little means of communicating with their own countries, were persons who could have very little power, and therefore could not reasonably be looked upon with apprehension by the Governments who had driven them into exile. That observation was very just; but what those Governments dreaded was not the power of the refugees, but the discussion likely to be occasioned in this country by their presence. They did not like Kossuth or any other political refugee to come here, because they knew that their tyrannical laws and police regulations could not here prevent the freest scrutiny of their acts. They were afraid of the light of truth, and they knew that the presence of political refugees in this country would cause the conduct of those who had driven them into exile to be fully examined, and hence they endeavoured to prevent these men, whom they had in the first instance driven to resistance, from enjoying the hospitality which this free country had always given, and always would give, to such persons. The correspondence was necessary to vindicate the policy of the late Foreign Secretary, and therefore it would be neither generous nor fair if the present Government persisted in withholding it.

Mr. HUME seconded the Motion. He said he considered it a matter of course that the papers asked for, should be conceded. The public felt that an attempt had been made to violate the law of nations in regard to these men. It would not be forgotten how this country was agitated from one end to the other—how meetings were held and resolutions passed calling upon the Government to protect these individuals. He believed the correspondence called for would show that the confidence which our people reposed in our Government was fully borne out, and that they had used the best arguments for the liberation of those refugees with the greatest effect. One half of this correspondence was produced last September—why not the other half now? It was only common justice to the late Government and to the noble Lord (Viscount Palmerston) that the correspondence should be laid before the public, who ought to be shown that the late Government had well and faithfully fulfilled its duty.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty praying that She will be graciously pleased to grant Copies or Extracts of any Communications which have passed between the Government of this Country and Turkey, and other Foreign Governments, respecting the Hungarian and other Refugees detained at Kintayah, from the date of the last despatch on this subject a copy of which has been laid before this House up to the present time (in continuation of Papers already presented to Parliament."

Viscount PALMERSTON: Sir, As I am a party concerned in the production of the correspandence for which my noble Friend moves, I take the earliest opportunity of stating that, so far as I am concerned, and I believe I may say also for the late Government of which I was a Member, that there can be no objection to compliance with the Motion. It is a notorious fact, known to all the world, that those refugees were detained in Turkey for a considerable portion of time, much against the natural wish of the Turkish Government, but in deference to the apprehensions and to the wishes of the Government of Austria. I am not here to blame or to find fault with the Government of Austria, or with the feelings they entertained with respect to those persons. They did entertain feelings of alarm—no doubt sincere feelings. But, assuming such were the feelings and opinions of Austria, Her Majesty's Government thought that Austria had no right to dictate to the Porte as to the manner in which the Sultan should exercise his right of hospitality towards persons who had committed no offence against Turkey, and that the Porte ought, if the Sultan thought fit, to set those refugees at liberty. The British Government did, through my intervention, and by the exertions of our Ambassador at Constantinople, earnestly and continually urge the Sultan to give way to his own inclinations, and permit these refugees to leave Turkey. Of course, anybody who knows the relative strength of Turkey and her powerful neighbours, must at once see that, with every disposition to act according to the generous feelings of the Sultan, the Turkish Government, influenced by considerations of prudence and policy, must interfere very cautiously and guardedly in matters of this kind. It was, therefore, of the greatest importance that Turbey should allege, in support of the wishes of her Government, the earnestness with which foreign Governments pressed her to do that which was just and proper. In what degree the American Government may have contributed to produce the result, I am really not able to state. I have no doubt they did exert their influence at Constantinople to accomplish the liberation of those captives. With that, however, I have nothing to do; my purpose is only to show from the correspondence what was done by the British Government. That is all the House is concerned in knowing, and I can only say that I am satisfied that, if a careful selection of the correspondence be made—a selection of the despatches from the Foreign Office, and the replies of our Ambassador at Constantinople—that such a selection of the papers will show the conduct of the British Government in this matter, and the success of the Government, without revealing anything which can be offensive to the feelings, or distressing to the opinions, of either the Government of Turkey or the Government of Austria, or the Government of Russia; and therefore, as far as I am concerned, I am perfectly prepared to support the Motion.

The CHANCELLOR of the EXCHEQUER: Sir, the noble Lord who has brought forward this Motion, alluded to the production of those papers at the commencement of the Session. I am quite free to admit that if the continuation of the correspondence with respect to these refugees were laid upon the table of the House, it would add to the completeness of the series of the diplomatic communications; and, viewing it in that light, I thought it might be desirable to place them upon the table of the House. On a subsequent occasion I told the noble Lord that after inquiries at the Foreign Office, I doubted whether it would be a prudent course, under the circumstances, to produce those papers—not that I was influenced by any desire to detract from the merits of our predecessors—such a feeling in no degree influenced myself or my Colleagues. But there has been, as is well known, a great deal of very acrimonious feeling on these matters existing between the various Courts who have been connected with these transactions. Happily, all those feelings of acrimony are allayed; there is now, and has been for some time past, a very good understanding between the Courts of Constantinople and Vienna, and it certainly did appear to us that, upon the whole, it would be much better that the mass of the correspondence, which was fraught with painful recollections of the past, the revealing of which might awaken once more those feelings of acrimony, should not be produced—that it would be better upon the whole that those feelings of dissatisfaction and ill-will now fortunately allayed, but which were of great bitterness, should not be revived by those communications being again brought before the notice of the country; that it would be better that those topics which occasioned, I may say, so much painful feeling should not be revived, and painfully obtruded upon the consideration of Europe. We all know that such matters find their way into the press of this country, and that sooner or later through the press, they would find their way to Constantinople and other foreign capitals; but yet, Sir, I must confess that, after the appeal of the noble Lord the Member for Tiverton, and lest it might be supposed that we were preventing the publication of documents which were necessary for the vindication of the policy pursued by the noble Lord and the Government of which he was a Member—seeing that the production of those papers in no way affects the conduct of the present Government—I will not further oppose their being laid upon the table. The Government, I therefore repeat, can have no feeling in the matter; indeed, my first impression was that it would neither be agreeable to the noble Lord (Viscount Palmerston), nor for public convenience, that these documents should be published; but the Motion having been in a manner based upon the statement that the production of those papers is necessary for the vindication of the noble Lord and his policy, I will no longer oppose it.

Lord JOHN RUSSELL: Sir, I am very glad to hear the right hon. Gentleman say that the Government will accede to the Motion of my noble Friend the Member for Marylebone. In my opinion, it is only right as regards the noble Lord the Member for Tiverton, who was the organ of the Government by whom those representations were made to Turkey, that the papers should be published, and that the grounds upon which he acted, and the representations he made, should be put forward. We did not think it consistent with our duty, or the policy we pursued, to take any part in the war with Hungary; but when these persons took refuge and had received the hospitality of Turkey, and when the Government of Turkey was disposed to extend to them that hospitality, and after a proper time to allow them to proceed to other countries, I must say I think the late Government was justified in giving its support—in extending all the power and weight of England—in order to enable the Turkish Government to accomplish that which was their desire; and I think the course then pursued redounds to the fame of this country. Therefore, Sir, I am of opinion that any documents which represent the remonstrances which the noble Lord made from time to time—the repeated remonstrances and assurances to the Turkish Government upon the subject of the refugees—ought to be produced, more especially considering that, in the present state of Europe, it is desirable that it should be shown that this country, at least, amid every discouragement, will maintain the principles of justice and hosiptality.

Motion *agreed to.*

The House adjourned at a quarter after Nine o'clock.

* * *

HOUSE OF COMMONS.

Wednesday, April 21, 1852.

Minutes.] New Member Sworn. — For Monmouth, Crawshay Bailey, Esq.

Public Bills.—1° Vestries.

2° Parish Constables; Industrial and Provident Partnerships; Proclamation for Assembling Parliament.

3° Burghs (Scotland).

IRISH FISHERIES BILL.

Order for Second Reading read.

Mr. CONOLLY said, that in moving that this Bill be read a Second Time, he did not appear there as the advocate of any particular interest connected with the fisheries of Ireland, but solely and entirely on public grounds, and he should say that legislation on the subject, to be useful, should be impartial. They were told that in the case of these fisheries there were three antagonistic interests—namely, the deep-sea fisheries, the fisheries situate in estuaries, and those fisheries known in Scotland as the "Upper Heritage Fisheries." Now, it appeared to him (Mr. Conolly) that these fisheries, if properly understood, possessed the same interest, although in different degrees. The interests of all were identical on one point—namely, the preservation and keeping up the supply of fish in the best possible manner; and there could be no doubt that the public had a great interest in the matter. By the law regulating fisheries passed in 1842, very great injury was done; and he was in a position, to prove that on that occasion, at least as regarded the Irish fisheries, the public rights were altogether disregarded, and disregarded in a most shameful and unconstitutional manner. Previous to 1842 the Earl of Carlisle, then Lord Morpeth, obtained the appointment of a Commission of Inquiry to collect evidence on the fishery laws and the condition of the various fisheries, with a view to furnishing a Report on the subject. The Report furnished by that Commission was anything but satisfactory. With regard to the Bill of 1842, he was sorry to see that it proceeded as if there was no such thing as public rights existing with regard to fisheries in Ireland. It regulated the maximum amount of fish to be taken, and authorised the erection of stake nets and weirs upon the lands adjoining the fishery. The public, however, were not satisfied with this invasion of their rights, and it was found necessary to make some modifications in the provisions of the Act. The disturbances were so great at some of the fisheries, that the strength of the whole police force of Ireland was called into requisition to enforce the provisions of the Act. Some of the persons who were engaged in this defence of the rights of the public were tried at the Waterford assizes; and Mr. Justice Perrin said the parties who had framed the Act had repealed the old Statute Law, and in all probability had even repealed Magna Charta. It was evident, from the working of the Act of 1842, that it was founded upon a wrong basis—that it did not protect the fish in the upper waters, and although it had been to some extent improved by the five subsequent Acts that were passed for that purpose, it was found still more injurious than its opponents originally supposed. It appeared from the Reports of the Commissioners of Fisheries for several years subsequently, that there was an annual decrease in the supply of fish; and the Commissioners stated in their last Report that the seasons of 1850 and 1851 were the worst for salmon that had yet occurred. A series of queries amounting to thirty-three, were addressed to the managers of the various fisheries in Ireland by the Commissioners, and, with one exception, all the answers were unsatisfactory: the supply of fish had considerably decreased since 1842 but there was one fishery in which they had increased, and there was this significant explanation added, that there were no stake nets or bag nets allowed in the river. He had in his hand a return of the prices of salmon in the London market since 1842, and he found that in the months of May, June, and July, when the salmon was generally most plentiful, the price had increased threefold, and the result was the same in the Dublin wholesale fish market. The Bill which he had the honour to submit to the House, proposed to consolidate all the existing Acts—it contained 169 clauses, of which 100 were verbatim consolidations. The sections which interfered with the fixed nets legalised by the Act of 1842, were the twelve numbered from 64 to 76. These clauses asserted the rights of the public in respect to these fisheries; and public rights demanded especially the respect of that House. But existing legislation also deserved its respect, and as he had drawn those clauses chiefly with the view of affirming the principle, he did not intend to adhere strictly to the details, if the House wished to modify them; and that principle throughout was that of making the supply of fish commensurate with the maximum amount of protection. Out of deference, however, to the opinion of the four conservators, and of the interests of those authorised by the Act of 1842 to erect stake-weirs, he did not propose to unsettle that arrangement; but he had reasons for believing that the stake-weir proprietors would come to such a compromise with the public as would enable him to abandon those clauses. Under any circumstances, however, he would retain the clauses which proposed to keep clear for two miles the mouths of every river and estuary in Ireland for the passage of fish. All the new portions of the Bill, he might add, were founded upon the principle that the public had rights in respect to these fisheries, and with a view to the supply and maintenance of a permanent stock of fish. The Government would do well to weigh this question, for if they summarily rejected this Bill, without giving the country a distinct and sufficient reason, they would engender the most general and the most unmistakeable dissatisfaction. This was a period particularly favourable to a measure like this, which arrayed against it no party hostilities, and was simply one of those measures which would tend greatly to the improvement of the social condition of the people, which it seemed the special mission of the present Government to effect. If he were allowed to go into Committee, he would be prepared to justify every provision which he sought to enact as new, the consolidation of the present Acts, and the terms on which he thought a compromise might be effected with the proprietors of stake-weirs situated injuriously at the mouths of rivers. The whole scope of the Bill was to assist nature rather than to thwart her, which had been the effect of past legislation; and he, therefore, might reasonably hope for the best results. It had often been said, looking at Ireland, and all the advantages given her by Providence—her fertile soils and noble rivers—that never was there a country—

"So blest by God—so cursed by man!"

Be it his to remove, by the consent of the House, some part of the curse, and he confidently hoped she would inherit the blessing.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Lord NAAS said, no one could be more ready than himself to bear testimony to the diligence exhibited by his hon. Friend in getting up this subject, and the intimate knowledge he had exhibited of it in all its details; neither did any Member of the House feel more deeply than he did the great importance of the question. It was a question of immense difficulty, involving complicated interests, which had from time to time, more than any similar question, occupied the attention of Parliament, and had been in Ireland a most fruitful source of litigation. But he must confess that the remarks of his hon. Friend had not altered the opinion he had formed regarding it. The impression on his mind was that it was perfectly impossible that any independent Member of that House could deal satisfactorily with the question. He would briefly refer to the course of past legislation on the subject. In 1842 an Act was passed which repealed or consolidated twenty-six former Acts of Parliament, extending over the whole period of our Parliamentary history, the first dating as far back as the reign of Edward IV. This Act created an entirely new fishery code. Since that Act passed it had been found necessary, within the short space of ten years, to amend it, and in that time no less than six Acts of Parliament, bearing on the subject, had received the sanction of that House. He would not affirm that the state of the law regarding the salmon fisheries of Ireland was satisfactory. No doubt there had been of late years an unprecedented decrease in the supply of fish yielded by them. This had been attributed by many to the operation of the Act of 1842, and also to various causes which that Act of 1842 did not affect. Amongst these might be specified the increase in the number of stake-nets, and also the greatly increased amount of drainage, rendering all parts of the country near the beds of rivers more liable to floods. But whatever might be the real cause of the increased supply, it was undoubtedly the result of over-fishing. There was no doubt whatever that there was at present a far greater amount of salmon caught in Ireland in the course of a year than could be obtained from the fair product of the fisheries. The fact was, that the salmon were not now allowed to ascend the rivers to feed, and he believed that to be the main source of the falling-off in the supply. That being the case, it seemed to him that legislative interference was undoubtedly necessary. But his hon. Friend proposed to deal with this question in rather a peculiar manner. In every fishing river of Ireland there were three or four great interests concerned in the fisheries. There were the proprietors of the coast fisheries, and those on the lower parts and mouths of the rivers; then there were the owners of fixed engines, made of wood or other material, salmon weirs; and, thirdly, there were the proprietors in the upper part of the rivers. The way in which his hon. Friend proposed to deal with this question, and increase the supply of fish, was by sweeping away one of those interests altogether [Mr. Conolly: No, no!] That was the effect of the Bill as it at present stood.

Mr. CONOLLY said, the 66th Clause laid the foundation of a fairc ompromise, by prohibiting stake-nets at the points where they were calculated to be most prejudicial, and allowing the upper proprietors a fair share of the fishery. He did not propose to interfere further.

Lord NAAS could only deal with the Bill as he found it, and must contend that the effect of the clause would be what he had stated. The opinion of the stake-net owners was, that their rights were in all cases guaranteed by the Act of 1842, and that they had as good a right to take the fish in their stake nets as his hon. Friend who held a fishery granted by charter. They said that they possessed a Parliamentary right to their fishery; and he could not conceive that the proprietors of stake-nets were prepared to sacrifice their rights for any compromise with the upper proprietors; and it would be inflicting a great injury upon them if in any measure brought forward, those rights were infringed. The hon. Gentleman proposed, then, to increase the supply of fish by sweeping away one interest altogether from the rivers of Ireland. He (Lord Naas) must express his belief that it would be necessary for the Government to deal with this question, and to propose a measure which would have the effect of increasing the supply of fish; but he believed that Government would inflict a great injustice were they to propose any measure which would have the effect of destroying rights that existed by Act of Parliament. Since the passing of the Act establishing those rights, they had been in many cases sold and resold, and a proposal to touch them involved grave questions of property. The titles of proprietors were dear to them as establishing those rights, and he could conceive no greater infringement of the rights of property than an Act of Parliament to sweep them away altogether. He believed, however, that a measure was required affecting the interests concerned, and that it would be necessary for any gentleman holding the situation which he had now the honour to fill, should the diminution of supply continue and be aggravoted, to propose a measure considerably reducing the period of the fishing season, with the view of limiting the power of capture. His hon. Friend proposed to create a new fishery board in Dublin, and to take away the jurisdiction at present exercised by the Board of Works in Ireland. He was not prepared to deny that this might be a salutary measure, but it was evidently a matter for the consideration of the Government. It involved the creation of a new Government board, and many important details which it was impossible that a private Member could efficiently deal with. He assured his hon. Friend, however, that if the Government should be enabled to take the matter up, they would give this part of the subject the fullest attention. He believed that the Bill, as it at present stood, would inflict great injustice upon some most valuable and important interests in the south of Ireland; and under these circumstances, in the present state of public business in this almost expiring Parliament, he hoped his hon. Friend would not further press the measure. He would only add, that he had the greatest objection to refer the Bill to a Select Committee. He had served on many such Committees, and he had never known any good come out of them, and, except in very peculiar cases, he should always oppose the reference of any Bill connected with Ireland to a Select Committee. If his hon. Friend would withdraw the Bill, he promised that the subject should receive the most careful consideration of the Government.

Mr. MONSELL said, he was glad to hear that it was the intention of Government to oppose this Bill. He could corroborate the statements which had been made by the hon. Member (Mr. Conolly) with respect to the decrease of fish, which, in the part of the country where he (Mr. Monsell) resided, had taken place chiefly since the House had begun to legislate upon the subject. In order to show the impossibility of this question being dealt with by a private Member, he might mention that one of the provisions of this Bill went to prevent the erection of stake weirs within a certain distance of the mouth of a navigable river; the mouth of a river being defined to be, when it began to be two miles wide. Great injury would be inflicted upon the proprietors of the river Shannon by this clause, as the weirs for a very considerable distance up the river must then be destroyed. He mentioned this to show the necessity of the subject being taken up by Government, who would consider the interests of the whole country.

Mr. F. SCULLY said, he willingly expressed his satisfaction that the Government were about to take up the subject, which would at once put an end to all the uncertainties that prevailed, and which acted most injuriously on the supply of fish. Parliament voted annually 14,000*l.* to improve the deep-sea fisheries in Scotland—a similar sum voted for the use of Ireland might be employed most advantageously to increase the supply of fish. He hoped that such legislation would take place as would finally settle the question, for the effect of continual alteration in the law relating to fisheries was to weaken confidence and to prevent the improvement of the country. This Bill omitted many provisions which might be usefully introduced, while it contained others which would be highly injurious. It related only to estuaries, and omitted all attempt to deal with the upper waters, where the chief difficulties occurred. It was the duty of the Government to deal fairly between the conflicting interests in the upper and lower waters. The millowners had in many cases been the means of destroying great numbers of fish, and he thought that there should be some mode adopted by which they should be compelled to provide a passage for the fish over the mill weir. He thought also that no weirs should be allowed to remain in estuaries, rivers, or tideways, if it could be proved that they had been illegally established. The Government should also see that the duties which had been neglected by the Board of Works should be performed by a board of fisheries. He hoped the hon. Member for Donegal (Mr. Conolly) would withdraw this Bill, which had not received, and was not likely to receive, the support of any of the Irish Members.

Mr. H. HERBERT wished to impress upon the Government the importance of dealing with the subject, because it was an undoubted fact that since the last legislation, and in consequence of that legislation, there had been a great decrease in the produce of the Irish fisheries. He hoped, therefore, that some sound measure would be passed upon this subject, for he believed that no step could be taken which would be attended with greater advantage to the country. He believed that the arbitrary and ill-judged interference with private rights which had been exercised by the present Board of Works had led to no public advantages, but had, on the contrary, been one of the causes of the decline in the number of fish. He trusted that the present Bill would be withdrawn.

Captain JONES said, that he believed that every fish that came into the rivers might be taken during the open season, but he believed that that season was at present too long. He did not think that the proper remedy for the present state of things was to allow some to fish and to prevent others, but to lengthen the close season, and to protect the fish in the upper waters during the spawning season. He approved of the attempt to consolidate the law and to establish a fishery board; but he thought that the subject should be left in the hands of the Government. He had hoped that the hon. Member for Donegal would, after the general expression of opinion, have consented to withdraw his Bill; but as he had not done so, he would move that the Bill should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Sir WILLIAM SOMERVILLE hoped that his hon. Friend (Mr. Conolly) would not press the Motion to a division, as he did not think that he would benefit the Irish fisheries by forcing this measure on a reluctant House of Commons at the present moment. He was glad to hear that the Government were about to enter upon the consideration of this subject, for the annual decrease in the produce of the Irish salmon fisheries was a most serious thing for that country, and was a point which called for the most anxious attention of every one interested in that country. He believed that the noble Lord (Lord Naas) was mistaken in the belief that great benefit would be derived from an extension of the close season. In his inquiry he hoped that the noble Lord would not lose sight of the vested interests created by the Bill of 1842. If the noble Lord determined upon doing anything on this subject, he would suggest that he should begin to do it with as little delay as possible. It was difficult to resist the impression that the falling-off in the produce of the fisheries was in some degree owing to the recent legislation on that subject. The noble Lord had properly remarked, that the difficulty of dealing with the subject was increased by the opposite interests which existed. It was difficult to persuade the owner of a stake net not to avail himself of it to the greatest possible extent for his own private advantage; but what was desirable was, that the owners of the fixed weirs, the owners of the stake nets at the mouths of rivers, and the other interests connected with the subject, should be induced to look at it as if they were all concerned in the same matter. He believed that there were not in Ireland two more excellent officers than the two Commissioners who had the control of the fisheries.

Mr. WHITESIDE thought the legislation which had taken place upon the subject of Irish fisheries furnished a very instructive lesson to the House. A considerable number of Acts of Parliament had already been passed, and the present Bill, which was proposed to consolidate former statutes, contained no less than 169 clauses. He admitted that previous legislation had not been very successful, but he doubted whether any legislation could be devised which could assist the operations of nature in producing more salmon. It was impossible that a measure of such great magnitude could be perfectly discussed and passed in the present Session. His hon. Friend proposed that there should be two boards of Commissioners. That, in his opinion, was a matter for the consideration of the Government. His hon. Friend proposed to protect the navigation of the Irish rivers; but the existing Acts gave sufficient power to prevent obstructions to the navigation. There were clauses in the Bill which would interfere with existing rights, and he thought the House ought to pause before they consented to sweep away rights which were created by Act of Parliament. No doubt it was expedient that an inquiry should be instituted to ascertain the causes of the diminution of salmon in Ireland; and the hon. Member (Mr. Conolly) must admit, from the statement of the noble Lord the Secretary for Ireland, that there was a disposition on the part of the Government to do everything that was necessary for that purpose. His surprise was, not that there had been a diminution of salmon, but that a single salmon was to be found in Ireland. It was impossible for salmon to grow large when they were killed young, or to multiply before they were married. If any legislative measure could be devised to remedy the evil, he was certain the Government would consider it their duty to propose it to the House.

Mr. FREWEN said, that great injury had been done in consequence of the Act of 1842 fixing one close season for the whole of Ireland, whereas previously each river had had its own close season suited to the habits of the fish in that particular locality.

Mr. CONOLLY said, that in withdrawing the Bill, he did so, relying on the assurance that the noble Lord (Lord Naas) would take up the subject as soon as possible, with the *bonâ fide* intention of dealing with it as it required.

Amendment and Motion, by leave, *withdrawn.* Bill *withdrawn.*

BUILDING OF CHURCHES, &c. BILL.

Order for Second Reading read.

Mr. FREWEN said, in moving the Second Reading of the Bill, he had been induced to bring forward the measure because it appeared from a Return made on the subject that there were several parishes in the kingdom where at present there were no churches. Even that Return was an imperfect one, for he knew of a great number of parishes without churches that were not included in it. Towards the close of the last Session he proposed to insert, in a measure which then occupied the attention of the House, a clause to remedy the present want of accommodation in many parts of the country. The majority of the House voted in favour of its insertion; but, in consequence of a misunderstanding on the part of the late Government, the clause was afterwards withdrawn. By returns to which he had previously alluded, it appeared that there were about 150 districts in England, in which, owing to the want of churches, no divine service was performed, although these districts were endowed with church livings. He was acquainted with a parish in Kent, the clergyman of which regularly received his income of 150*l.* a year, but, after appearing in the parish, and performing the service of reading himself in on the ruins of the old church, he never went near the parish afterwards. He begged also to call the attention of the House to another parish, where the population, according to the last census, amounted to about 450 persons. The necessity for a school in the village had become very pressing, and after full consideration it was considered the most desirable and equitable plan to build a large and substantial school house, in which the Church service could be read every Sunday. The plan, however, had not been carried into effect, in consequence of some disappointment about obtaining the site. The first clause of the Bill provided in certain cases, therein specified, for the building of churches and chapels where divine service should be performed. It seemed to him a monstrous thing that while a clergyman was paid, there should be no service performed in a parish, in consequence of the church, through neglect, having been allowed to go into ruins. There was a case in Northumberland, where, in a parish containing 1,921 persons, there was no church; and another in Carnarvonshire, where, with an income of 170*l.* a year, and a population of 1,400 persons, there was no church. One of the grossest cases in connexion with this subject was that in which the Dean and Chapter of Christ Church at Oxford had received, for at least 100 years, about 150*l.*, the income of a parish in which no divine service was performed: this was at Market Harborough. The church was in a substantial state of repair, but the windows, he believed, were effectually stopped up. He was informed that no incumbent had been appointed to that living for several years. The population of the district had increased, and he desired to know if the Government had not the power to fill up that living, instead of permitting the income to go where it had gone for a number of years, to Christ Church, Oxford. There was also an endowment for keeping the church in repair, but it was only used as a cemetery chapel, and a great many of the people who had been living in Market Harborough were interred in the burial ground about it. The second clause provided for the erection of private chapels, and it seemed to him to be a monstrous thing that, if an individual resident in the country wished to suit his own convenience by having a private chapel attached to his house, he should be prevented from having it. However, if there was any objection on the part of a majority of the Members of the House to such a provision, he would not wish to insist upon it, but should be content to take the part of the Bill to which the House would accede. The third clause was introduced to correct a clause which had been introduced into the Act of 1850 in another place. The Act of 1st and 2nd Victoria, c. 106, authorised the union or consolidation of livings or benefices which did not in the aggregate amount exceed 500*l.* a year; but by the Act of 1850, the union or consolidation of parishes was permitted without reference to the amount of the income. He thought that arrangement should be altered, because he could not understand how it could be of advantage to religion to unite two livings of considerable value, though it might be of advantage to some person's pocket. The fourth clause related to the alteration of the existing law in reference to the cases of masters of endowed public schools, who do not reside on the benefices held by them. One of those individuals possessed a living in Sussex of the value of 1,200*l.* a year, with a large population in the parish; and he submitted that the clergyman hereafter appointed to that living should be compelled to reside upon it, because the object of the law should be to make clergymen reside as much as possible on their livings. He hoped the House would consent to the second reading, and on a future occasion the details of the measure could be fully considered in Committee.

MR. SPEAKER: I beg to call the hon. Gentleman's attention to the fact that the second clause of this Bill, relating to private chapels, is not within the title of the Bill.

MR. FREWEN: It appears to me that a clause of a similar nature has been introduced into the 1st and 2nd Victoria.

MR. SPEAKER: The hon. Gentleman may, on the report, or on the third reading, bring up such a clause, and it may then be inserted; but the hon. Member cannot introduce a Bill containing such a clause as that to which I have called his attention.

MR. GLADSTONE: I shall take the liberty, Sir, of calling your attention to another clause of the Bill. If you direct your eye to the fourth clause, you will see that it is also beyond the title of the Bill. It is a clause with respect to non-residence. With regard to the second clause, the hon. Member (Mr. Frewen) should have moved for a preliminary Committee. It is a clause relating to religion, altering the Act of Uniformity, and requires a preliminary Committee by the rules of this House.

MR. SPEAKER: Certainly this other clause of the Bill is equally beyond its title.

Order for Second Reading *discharged;* Bill withdrawn.

PARISH CONSTABLES BILL.

Order for Second Reading read.

MR. DEEDES moved the Second Reading of this Bill, the object of which, he said, was to amend the laws relating to the appointment and payment of parish constables. The Bill contained no new principle; it merely consolidated and enlarged existing Acts.

CAPTAIN SCOBELL said, that the Bill contained so far a new principle that it proposed to make it imperative upon every county to appoint a superintending constable for every petty sessional division. At present it was optional. To the other objects of the Bill he was decidedly favourable, inasmuch as he believed that, for a rural population, parochial constables were far preferable to a rural police; and he sincerely hoped that the clause respecting the superintending constables was not intended to be made a stepping-stone to the imperative imposition upon the counties of a rural police, or of anything similar under a different name. He would suggest to the hon. Mover of the Bill to consider whether he had sufficiently encouraged the system of parochial constables by offering more inducements to get persons to serve permanently in the force—that is, for four or five years. His great object was to have the Parochial Constables Bill made as perfect as possible, which might render unnecessary the formation of a general rural police.

SIR JOHN TROLLOPE said, he observed that the Bill proposed that the salary and allowance of the chief superintending constable for each county should be paid out of the county rate, which, as the House was aware, was collected along with the poor-rate. By a subsequent clause, it was proposed that the salary of the paid constables should be "paid by the overseers out of the moneys in their hands collected for the relief of the poor." Now, he begged to say that he could not agree to those proposals. It had been the custom of late years to throw charges upon the poor-rate which were quite foreign to the original object of that impost, and he must say it was a custom which was exceedingly objectionable. If it was necessary to have a rate in this case, let it be a separate rate—a constable or police rate, or whatever they might choose to call it, but let it not be mixed up with a rate for the relief of the poor. He made these observations, not with the view of opposing the Bill, but trusting that some mode would be found of remedying his objection to those portions of the measure when the Bill was in Committee.

MR. AGLIONBY said, he agreed with the right hon. Gentleman in thinking it objectionable to throw the expense of this measure upon the poor-rate, but he thought that this was a matter of detail which might be remedied in Committee. No man was more anxious than he was to see an improvement in the present inefficient system of parish constabulary; but he wished to see it on a larger scale than this Bill proposed. An hon. Friend of his had a measure in contemplation relating to highways, the machinery of which it was hoped would also be applicable to police. He hoped that on another occasion that measure would be introduced, and that it would provide a more efficient system than the one now proposed.

MR. PACKE said, he could bear testimony to the great advantages which the county with which he was connected (Leicestershire) had derived from the institution of a rural police.

MR. DEEDES, in reply, said, that his only object was to introduce the measure into such counties as were willing to receive it. With respect to the remarks of the right hon. Gentleman the President of the Poor Law Board, he begged to say that when the Bill was in Committee he should be perfectly ready to listen to any suggestion that might be made with respect to the best mode of raising the salaries and allowances to be paid under the Bill; but, in the meantime, he must remind the right hon. Gentleman that the Acts which he now sought by this Bill to consolidate and amend, gave power, at the present moment, to throw the expenses upon the county rates and poor-rates.

Bill read 2°.

ENFRANCHISEMENT OF COPYHOLDS BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. AGLIONBY said, he would take that occasion to say that the Amendments proposed to be moved by the hon. Member for Cirencester (Mr. Mullings) would receive his acquiescence.

MR. WALPOLE said, he was glad to find that the principle of compulsory enfranchisement was not to be persevered in at present. He had felt that if they had compulsory enfranchisement, after the year 1855, of every copyhold in the Kingdom, it would press hardly on poor people if they were required to pay down a sum of money for their enfranchisement—they not desiring any enfranchisement to take place until their occupation of the copyhold should cease.

Mr. AGLIONBY said, his original Bill did not give any compulsory process as against persons in that position; but the Committee after receiving evidence determined that after a given period the plan of the tithe commutation should be followed, and the enfranchisement should then be compulsory, so as to assimilate all the tenures in the Kingdom.

Clause *agreed to;* as were also Clauses 2 to 9.

Clause 10, which provides that questions arising as to any matter of law or fact on any enfranchisement might be referred to the Commissioners.

Mr. WALPOLE said, he thought cases might arise in which an appeal ought to lie from the decision of the Commissioners to a Court of Common Law, similar to that which lay from the decisions of the revising barristers to the Court of Common Pleas.

Mr. AGLIONBY said, he never would consent to have any appeal from the first decision. He would rather, for his part, submit to an unjust decision than be driven about from pillar to post in the manner in which people were treated in the Court of Chancery and the Courts of Common Law, in appealing from one tribunal to another.

Mr. WALPOLE was not aware that that House had ever yet dispensed with an appeal with reference to matters in which nice questions of law might be involved. He certainly thought the decisions of the Commissioners should not in all cases be final; and it occurred to him that the best way perhaps of remedying the difficulties that might occur, would be, that in certain cases the Commissioners should have the power of certifying that there was cause for an appeal, and that the matter should then be referred to a Court of Common Law. In that case the question of law would be decided by a competent tribunal.

Mr. AGLIONBY begged to ask whether the right hon. Gentleman would not be disposed to limit the power of deciding when there ought to be an appeal to the Court above, without reference to the wishes of any of the parties interested that there should be such appeal? To the parties having any such power of demanding an appeal on any frivolous objection, he most decidedly objected. He thought, in the matter of an enfranchisement under the Bill, it was necessary that there should be the least possible delay, and next to that the least possible expense. Nevertheless, if the Commissioners of their own free will, doubting their own judgment, should think it necessary to ask the opinion of the Judges, he thought they should have the power of doing so.

Mr. MULLINGS thought it very desirable to have some appeal, as serious questions of law might arise to render it in the highest degree necessary. But this was the hon. Member for Cockermouth's Bill, and he (Mr. Mullings) only meant to coincide in the suggestion made by the right hon. Gentleman (Mr. Walpole).

Mr. AGLIONBY said, it was only his Bill because he had taken a more lively interest in it than any other person; but it was really the Bill of the hon. Gentleman the Member for Cirencester (Mr. Mullings). Perhaps the right hon. Gentleman (Mr. Walpole) might think it worth his while to prepare some Amendment that would be likely to carry out his wishes between that and the bringing up of the Report, and he (Mr. Aglionby) would then give it his consideration.

Mr. WALPOLE said, the suggestion he wished to make was, that either party might apply to the Commissioners, and if the Commissioners certified that it was a proper case for an appeal, that a case should then be drawn and submitted to the Court of Common Pleas.

Clause *agreed to;* as were Clauses 11 to 19 inclusive.

Clause 20, which empowers the valuers, in making valuations under the Bill, to take into account, among other things, "the facilities for improvement," incident to the land about to be subject to enfranchisement.

Mr. WALPOLE said, he wished to call the attention of the Committee to the wording of the Clause, by which the valuers were directed to take particular cases into consideration, in valuing the land about to be enfranchised, and, among others, "the facilities for improvement." He did not know what the term facilities for improvement might mean, and the Commissioners might be called on to go into an unlimited inquiry as to its interpretation. He would suggest that the point be taken into consideration by the hon. Gentleman who had charge of the Bill.

Mr. AGLIONBY said, the clause in question was not his, but was one which had been introduced by some other person.

So far from its being his clause, he foresaw the same difficulties and confusion would arise out of it as did the right hon. Gentleman.

Mr. JACOB BELL thought the omission of the words "facilities for improvement" would be a great improvement to the clause.

Mr. WALPOLE said, there might be cases in which land had got a capacity for improvement, particularly when situate in the vicinity of large towns, and his proposition was not to leave out the clause altogether, but to put it in some other shape.

Mr. AGLIONBY suggested that the word "capabilities" should be substituted for "facilities."

Mr. H. HOPE said, that every thing might in a sense be said to be capable of improvement; and he would rather see the word "probability" substituted.

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported.*

INDUSTRIAL AND PROVIDENT PARTNERSHIPS BILL.

Order for Second Reading read.

Mr. SLANEY, in moving the Second Reading of this Bill, said, it came before the House on the recommendation of two successive Committees, and he might describe its purpose almost in a word, which was to enable poor people with small sums invested in partnership transactions to have recourse when necessary to a cheap tribunal, and to bring those small partnerships within the meaning of the Friendly Societies' Act. He would not further detain the House, as he had found the principle of the Bill had met with general assent.

Mr. HENLEY said, he was extremely glad that this subject had been brought under the consideration of the House, because a very great number of people were interested in it. He hoped sincerely that the object which the hon. Member had in view in bringing forward the Bill might be realised. He (Mr. Henley) thought it desirable that the Bill should go before a Select Committee, in order that it might be the better adapted to carry out that object.

Bill read 2°.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, April 22, 1852.

Minutes.] Public Bills.—1ª Burghs (Scotland).

2ª Saint Albans Disfranchisement.

SAINT ALBANS DISFRANCHISEMENT BILL.

Order of the Day for the Second Reading read.

The Earl of DERBY, in moving the Second Reading of the Bill, said, that he was fully aware of the jealousy with which their Lordships would view any measure of disfranchisement intended to punish the many for the offences of a few, especially when the basis of such disfranchisement was not established upon a judicial inquiry. But if he showed to their Lordships that in this instance bribery had been practised not only at one election, but had been continued over a long series of elections; that it had not been confined to one or two electors, but had been extended to many; that it had not been limited to a small sum, but had reached a very large amount; and if, in addition to all this, he showed that all the facts of the case had been fully substantiated before a legally constituted tribunal, entering upon a judicial investigation under an Act of Parliament, he was sure that their Lordships would not desire to screen the guilty borough from the just punishment of their offences, or to interpose their authority to interrupt the course the House of Commons had thought it proper should be pursued. The noble Earl then proceeded to state that in the year 1850, by the death of one of the sitting Members, a vacancy arose in the representation of the borough of St. Albans. A contest, as was almost always the case at St. Albans, arose to fill up the vacancy, and the result was that a gentleman was returned, and that a petition was presented against that return, on the ground that the Member had been guilty of gross and notorious bribery. That petition went before a Committee of the other House of Parliament, and the evidence tendered to that Committee was sufficient to prove that gross and extensive bribery had been practised at St. Albans; but, by the escape of certain witnesses, it was found impossible to bring that bribery home to the sitting Member or his agents, and the whole matter ended by the Committee making a report to that effect. The noble

Earl next entered upon a short review of the alterations made in the Parliamentary law of elections since the passing of the Grenville Act up to the present time; and lamented that, although there had been great modifications and improvements made in the constitution of Election Committees of late years, the investigation into all matters of bribery and corruption still depended on the ability of those who brought such matters forward to bear the expense, and thus the inquiry into what was a public grievance had been confined to the personal and private interests of individuals. He was afraid that in many boroughs of this country great bribery and corruption prevailed; but he would not go so far as one individual who was examined before the Commissioners, and whose experience in venality and corruption was unparalleled. That gentleman, who for the last fifteen or sixteen years represented himself to have been a principal Whig agent in elections, and who stated that he knew something, as no doubt he did, of most places in England, said that if "instead of going through the register of votes, as I see by the papers Mr. Edwards has done, and marking down 'sold his vote,' I were to go through the list of boroughs, beginning with the first in the list, say Abingdon, to Stafford, and to the last letter of the alphabet, and put opposite the names of Members, 'bought his seat,' I should make quite as extraordinary a list as Mr. Edwards has made of the electors of this borough." He acknowledged the great experience and great knowledge of facts possessed by Mr. Coppock, and must certainly say, from the facts disclosed before the Commissioners, which he trusted would not be lost sight of, that whenever Mr. Coppock's name appeared in connexion with a borough, there was a strong presumption of bribery. On the investigation of the petition against the return of the sitting Member before an Election Committee, certain disclosures were made, and certain circumstances had occurred with which all of their Lordships were familiar. On the termination of these proceedings, the House of Commons thought it necessary to take up the question, not with the view to the interest of the sitting Members, but to ascertain the extent to which corruption prevailed in the borough; and they passed a Bill, which subsequently received the assent of their Lordships, for establishing a Commission, with very extensive powers, consisting of three individuals named in the Act, who were to proceed to St. Albans and make such inquiries as they should think fit, not only into the last election, but into preceding elections—that they should have the power to summon persons to give evidence, granting them immunity for so doing. The disclosures before the Commissioners were as frank and open as it was possible to conceive. Various candidates made their appearance before the Commissioners, and stated the result of their experience. It appeared from the inquiries of that Commission, that before the Reform Act the number of electors at St. Albans was somewhere between 600 and 700. By the Reform Act that number was diminished—for 100 non-resident freemen were struck off the list. At the election of 1830, 623 electors voted; but in 1850 the number who voted was only 483; of these 354 were 10*l.* householders, 66 scot and lot voters, and 63 freemen. Before the Reform Act the principal influence was lodged in the families of Lord Spencer and of his noble Friend near him (the Earl of Verulam). During the prevalence of that influence, the giving to each voter a specific sum as head-money appeared to have been general, one guinea being paid for a single vote, and two guineas for a plumper; and a voter would have considered himself defrauded if he had not received his guineas in due time. After the Reform Act had called the 10*l.* householders into existence as voters, it was found, according to the statement of the Commissioners, that the new voters were more venal than the old; the sums paid were much higher, and assumed the character of direct and positive bribery. The Commissioners had come to the conclusion that the proportion of money spent in bribery at St. Albans previous to the Reform Act, was one-third of the whole money spent in the election; whereas subsequently to that Act the proportion of money so spent was two-thirds of the whole amount. The cost to the candidates in the several elections since the passing of the Reform Act, amounted in the aggregate to more than 37,000*l.* Taking two-thirds of that sum as having been expended in bribery, it would appear that 24,600*l.* and upwards must have been spent in bribing the electors during a period of nineteen years, in the course of which eight elections occurred, being an average of more than 3,000*l.* at each election. The Commissioners stated that in the election of 1841 the bribery oath was administered to every elector who went to the poll, and every one of them took it; and yet at that time upwards of 6,000*l.* was spent in the purposes of the election, 4,000*l.* of which might be considered as having been expended in bribery. So far with regard to the amount expended, and the extent of the bribery. He would now proceed to state to their Lordships what proportion of electors were in the habit of taking bribes for their votes. 354 10*l.* householders voted, of whom 270 were bribed; 63 freemen voted, but of this number only 31 sold their votes. Thus half of the freemen and two-thirds of the tenpounders were bribed, and 64 out of 66 scot and lot voters. The following was the manner in which the bribery was systematically carried on. At the election of 1847, besides the family influence which he had already mentioned, there were in the borough of St. Albans a Liberal and a Conservative party. Mr. Edwards and Mr. Blagg were respectively the managers for these two parties. Besides this, there was a third party, managed by a Mr. Webster, a retired surgeon, which was known by the name of the "contest party." This party consisted of 200 electors, and was able to turn the scale of any election either way. Their practice was to hang out a key as a sign that they were going to enter into the contest; and it was then understood that the "contest party" were in the field, and that a candidate would be brought down to open the borough. There was but one opinion as to the venality which prevailed universally in the borough. There was no regard paid to principles of politics. "A man's politics at St. Albans," said of the witnesses, "was his breeches pocket." Mr. Coppock, whose experience was great, said—"To bribe or bleed has always been the object of the third party here. The great majority of the people have always been known to be bought and sold without any regard to principle or anything else." In 1847 there were two candidates—Mr. Repton, the old Member, supported by Mr. Blagg, and Mr. Craven, a Liberal, supported by Mr. Coppock. An arrangement was made that Mr. Blagg and Mr. Coppock should each pay to Mr. Edwards 250*l.*, in order to buy him off from a contest. The agents for the two candidates thought that by that arrangement they should have the election all their own way, and each return one of the Members. But they were never more mistaken. The key was hung out, Edwards cancelled his engagement, and down came another person —Mr. Wilks—an extreme Liberal, who became the popular candidate. It then occurred to Mr. Edwards that if Mr. Craven did not succeed, some doubt might arise as to the payment of the 250*l.* by Mr. Coppock. An interview took place between Mr. Edwards and Mr. Coppock, when Mr. Edwards said—"You must either promise to pay me, whether Mr. Craven gets in or not, or else I must have a candidate." He (Mr. Coppock) would not consent to that; and the result was that Mr. Edwards put himself in communication with Mr. Raphael, who, in the language of the borough, was expected to "bleed freely," and in the event of the application to that gentleman not succeeding, an application was made by Mr. Edwards to Mr. Montagu Gore, a person of decidedly opposite principles. It turned out that Mr. Raphael accepted the offer, and came in at the head of the poll; and of the 295 persons who voted for him, there were only thirty who were not bribed by Mr. Edwards. But there was honour even among election agents. There appeared to be some apprehension that the Conservative candidate would not be returned after all, and that two Liberal candidates would be returned; and Mr. Edwards found himself obliged to comply with the terms of bringing in one and one by bribing persons to vote for the Conservative with Mr. Raphael's money. Mr. Raphael did not live long to enjoy his success procured by such unworthy means. He died in November, 1850; and Mr. Coppock immediately wrote to Mr. Edwards, and an arrangement was entered into, one portion of which Mr. Edwards stated to be a promise from Coppock, that "if he carried the thing out, he would give him a situation for his son." There was reason to believe that Mr. Coppock had some such influence, for Simpson, one of his agents, had been appointed clerk to the County Court at St. Albans. He admitted, however, that Mr. Coppock had explicitly denied that he had ever mentioned or hinted at any situation, office, or employment, to Edwards; though he might have hinted about compensation, he had never said anything about office. Mr. Edwards, in the course of the negotiation, stated that the sum of 2,500*l.* would be necessary for the purposes of the election. There now appeared on the stage for the first time a gentleman named Simpson, who, having been clerk to Mr. Blagg, afterwards became clerk to Mr. Edwards, and who, finding the trade of bribery not unprofitable, set up for himself. Simpson told Edwards that he had found a candidate, though he would not mention his name, who was prepared to spend 3,000*l.* on the election. He then made this proposition to Edwards —"Cannot we render this matter agreeable? Can't we arrange it in this way —that you appropriate 1,500*l.* and I appropriate 1,500*l.*?" To that friendly proposition Edwards objected, saying that he should lose his position if he accepted it. Simpson then offered Edwards 300*l.* if he would retire. But Edwards would not consent to be shelved in that way; and from that moment a contest became inevitable. It so happened that both Simpson and Edwards had hit on the same candidate, a Mr. Bell, a practising druggist, who desired to enter Parliament, not for the purpose of carrying any political measure, but for that of carrying some measure connected with the medical profession. Mr. Bell appeared ready to treat; but he preferred to treat with Edwards and Coppock, and not with Simpson. Mr. Bell expressed a strong opinion against bribery; but he was anxious to be returned, and he told Coppock that he would have nothing to do with the expenditure of the election, but would rather leave it in the hands of his friends, and settle it afterwards. It appeared, however, that that friend who looked after the expenditure of the election, was the confidential partner of Mr. Bell, and of course a man with whom he must have been in daily correspondence. 3,000*l.* was sent down to St. Albans, which was paid to Edwards in packets of sovereigns, as the most likely mode of evading detection. Simpson, in this state of things, determined to have another candidate, even if he brought one forward on purity principles. The noble Earl then described the adventures of this personage in search of a candidate, whom he found in Mr. Alderman Carden; and here he (the Earl of Derby) must do justice to Mr. Alderman Carden, who was extremely anxious to keep himself free from all bribery, and had been extremely desirous to be returned on *bonâ fide* purity principles. That was not, however, the view taken by the parties who supported him at St. Albans. They produced to him a requisition signed by forty-five electors. The worthy Alderman replied that it was a small document, and was not sufficient to induce him to go down to St. Albans. Whereupon they attributed the paucity of names to the hurry in which the requisition had been got up, and promised to get up another more numerously signed in the course of the next day; for there was a party in the borough determined to purge it of its bad character. The noble Earl then read the evidence of Blanks and Webster to prove that, though they had called Alderman Carden into the borough, they never intended to conduct his election on the purity principles which they professed: for, as one of them said, "No man could get into any borough in the kingdom on such principles." Alderman Carden then proceeded to canvass the town, where his reception was most flattering. To use his own words—

> "It gave me inducement to believe that all the hopes and expectations held out by the party who came to me would be fully realised. Out of sixteen town-councillors, ten did me the honour of walking arm-in-arm by my carriage into St. Albans, and, out of the sixteen, twelve voted for me, two against me, and two stood neuter. I had five clergymen voted for me; in fact, I believe that the whole of the respectability of St. Albans, with few exceptions, was on my side, and I really believed that I was going to achieve a triumph, and that I should amend the borough of St. Albans, and emancipate it from the thraldom that existed."

Alderman Carden's views were, however, soon disappointed. His solicitor, Mr. Law, saw through the emptiness of his hopes, and that nothing could be done without bribery. The whole sum which was spent by the Alderman did not exceed 600*l.*; but there was no doubt that some part of that sum was spent improperly by some of his agents without his knowledge. The result of that contest was, that on the day of the election Mr. Bell, whose supporters had been bribing right and left, polled 276, and Alderman Carden only 147 votes. The Alderman returned to town a poorer man, but with enlarged experience as to election matters; and Mr. Bell never contributed so much to the depletion of a patient by any drugs he sold, as he suffered by the drastic experiments tried upon his purse by the electors of St. Albans; and he ought to feel highly favoured by having been allowed to sit during the present Parliament for the highly honourable borough of St. Albans. He must do Mr. Bell the justice of saying that he was the most forgiving man that he had ever met. Though the Bill introduced for the disfranchisement of the borough of St. Albans had been supported by both sides of the House of Commons, the only voice raised in protestation against the disfranchisement, and uttering a lamentation over its miserable fate, was the voice of Mr. Bell, the plundered yet forgiving Mr. Bell. The noble Earl then read the recommendations of the Commissioners which formed the basis on which the other House of Parliament had passed this Bill. They were as follows :—

"We find that a sum of 3,500*l.* was advanced by Mr. Raphael to Mr. Henry Edwards for the purposes of the election in 1847 ; that the greater part of that sum was expended by him with the knowledge of Mr. Raphael in bribing voters, and that Mr. Raphael owed his election in 1847 to such bribery. We find that the sum of 1,200*l.* was expended by Mr. Blagg on behalf of Mr. Repton for the purposes of the election in 1847 ; that 500*l.*, part of this sum, was advanced by Mr. Edwards to Mr. Blagg for the express purpose of bribery, and was expended by Mr. Blagg in buying votes for Mr. Repton ; that Mr. Repton, during the polling, and before the election, knew that bribery was practised on his behalf, and we find that he owed his election in 1847 to such bribery. We find that nearly 1,000*l.* was advanced by the Hon. Mr. Craven to Mr. Edward Gibson for the purposes of the election in 1847, when he was one of the unsuccessful candidates ; that 300*l.*, part of this sum, was given by Mr. Gibson to Mr. James Vass for the purpose of bribing voters on behalf of Mr. Craven, and that the said sum of 300*l.* was expended by Mr. Vass in bribery. We find that Mr. Craven was not directly cognisant of any portion of the money having been expended in bribery, but that he had strong suspicions of the way in which the money had been employed. We find that a sum of 800*l.* was advanced by Mr. Wilks for the purposes of the election in 1847, when he also was one of the unsuccessful candidates ; and that a large portion of this sum was expended by his agent, Mr. Thomas Harris, in bribery in his behalf ; that Harris gave 75*l.* to George Perry, and 50*l.* to Mr. Frederick Theophilus Webster, for the purpose of bribing voters for Mr. Wilks, and that the said sums were expended hy Perry and Webster in bribery. We find that at the election in 1850, 2,500*l.* was advanced by Mr. Thomas Hydes Hills on behalf of Mr. Bell to Mr. Henry Edwards : that the greater part of this sum was expended by Mr. Edwards in bribery, and that Mr. Hills well knew at the time that he advanced the money that it was to be so applied. We find that 2,000*l.* of this sum was advanced by way of loan to Mr. Hills by Messrs. Brace and Colt, who knew the purpose to which it was to be applied. We find that of the 2,500*l.*, 2,000*l.* was transmitted by Mr. Hills to the office of Mr. Coppock, by his direction, and was thence forwarded to Mr. Edwards, at St. Albans, by Mr. Coppock, with full knowledge on the part of the latter that it was to be expended in bribery. We find that Mr. Bell knew that money was being advanced on his behalf for the purpose of bribery, and we find that he owed his election to such bribery. We find that a sum of 650*l.* was advanced by Alderman Carden to Mr. Lowe, for the purposes of the election in 1850, and that the sum of 531*l.* was afterwards expended by Mr. Lowe, and allowed by Alderman Carden. We find that, under colour of payments for services, part of this sum was expended by Mr. Lowe in bribing voters on behalf of Alderman Carden, but that this was done without the knowledge and against the wishes of the alderman. We find that the voters whose names are included in the schedule hereto annexed, marked A., received bribes at the general election which took place in 1847. We find that the voters whose names are included in the schedule marked B, received bribes at the election which took place in 1850. We find that the persons whose names are included in the schedule marked C gave bribes to voters at the election which took place in 1847. We find that the persons whose names are included in the schedule marked D gave bribes to voters at the election which took place in 1850. We have given certificates, under the authority of the Act, to the persons to whose names in the several schedules an asterisk is affixed. And, finally, we report to Your Majesty that the practice of bribery at elections of Members to serve in Parliament for the borough of St. Albans hath long prevailed in the said borough, and that bribery to a great extent was systematically committed there at the last election of a Member to serve in Parliament."

He had now stated to their Lordships the substance of the Report of the Commissioners, which was sufficient to show that there was not here an isolated case of bribery, in which the whole borough was to be punished for the offence of a few of its inhabitants, but that there had been a system of corruption long and steadily continued from election to election—that two-thirds of the electors had been implicated in notorious bribery—and that so long as St. Albans was gifted with the privilege of returning Members to Parliament, so long its constituency would consent, without reference to politics or principles, to be driven like sheep to the poll under the direction of those individuals from whom they received the price of their corruption. He thought that the course which the House of Commons had adopted, namely, that of examining into these grave transactions by means of a tribunal instituted under the sanction of an Act of Parliament, was the only course which it could have taken with propriety. The evidence which that tribunal had collected was clear, conclusive, and not even attempted to be refuted; and, having now laid it before their Lordships, he hoped that they would agree with him in thinking that the borough of St. Albans ought to be disfranchised, and would give their vote for the second reading of this Bill.

Moved—" That the Bill be now read 2ª."

LORD REDESDALE, after putting the question, reminded their Lordships that a petition had been presented to the House from certain of these electors, praying to be heard against the Bill by counsel at the bar. It was true the noble Lord who presented the petition, and the way in which the petition itself had been got up, impressed him with the belief that no very strong desire existed of being heard against the Bill. He had, however, searched the Journals, and found that the practice of the House had always been to hear counsel when it was desired upon Bills of a similar nature. Such had been pursued in the case of Sudbury, which was similar to the present. Of course, if their Lordships did consent to that prayer, evidence would not be taken, as that was already before the House. They might hear counsel either upon the second reading, or on the Motion for going into Committee.

The EARL of VERULAM said, that he regretted very much that his neighbours had thought proper to intrust their petition to him; but as they had done so, he had thought it his duty to present it, although he disagreed with the prayer of it; but he thought after the case which had been made out by the Commissioners, it was impossible to contend against the Bill; and he pitied the counsel who should be instructed to appear at their Lordships' bar for any such purpose.

The MARQUESS of CLANRICARDE said, the case was so strong, and the guilt of the parties so notorious, that he thought the House were in a position to legislate without hearing counsel. He wished to dissent from the doctrine that although the evidence was before them, they could not legislate without hearing counsel.

LORD CAMPBELL said, he must enter his protest against the doctrine which had just been laid down by the noble Marquess, because he thought the parties who were interested had a right to be heard at the bar, if they desired it. The noble Marquess said the evidence was before the House, and that it proved the case; but he thereby assumed the parties to be guilty; but it might be that the petitioners might be able to show either that the evidence was not conclusive, or that wrong inferences had been drawn from it. He had no doubt the House might legislate without hearing counsel, but in doing so they would be going against the principles of justice. The Bill being one of pains and penalties, the parties accused had a moral right to be heard. He certainly must say, at the same time, he pitied the counsel that should be instructed in the case.

The MARQUESS of CLANRICARDE did not say their guilt was proved, but that their guilt was notorious; and, on that notoriety, he wished them to proceed. This was not a Bill of pains and penalties.

LORD CAMPBELL: It is highly penal.

LORD MONTEAGLE said, he could not consider the Bill in any other light than as one of pains and penalties; but he maintained that the parties had been heard before a competent tribunal and found guilty, and that the House was warranted thereby in reading the Bill a second time without hearing counsel.

The EARL of HARROWBY reminded noble Lords that it was one thing to pass a Bill for the United Kingdom, and another to single out a particular town; because the same Bill when applied to the latter case might assume a penal character, which did not attach to it in the former. He would, therefore, support a Motion for hearing counsel.

The EARL of WICKLOW said, there was as yet no Motion before the House on the subject. But were such a Motion made, he must tell those who opposed it, that unless they could show there had been other cases where similar Bills to this had been passed without hearing counsel, he would support the Motion. It must be remembered, that though a large portion of the inhabitants had been found guilty of bribery, there was a large remaining portion who had not.

The EARL of DERBY said, he had no doubt there were in St. Albans, some who were anxious not to be included in the censure which had fallen upon the venality of the borough; but in all such cases it must happen that there would be some guiltless individuals who must suffer for the sins of the rest. He was afraid some of their Lordships underrated the corruption which prevailed there. In this case, it appeared from the report that the taking of bribes was usual with many who, from their position, might be supposed least likely to accept them. It was stated by the Commissioners that professional men and tradesmen of a superior class were in the habit of receiving money for votes. The whole of the clergy, of all denominations, and a few of the principal people in the place, alone were exempted from the general charge of corruption.

On Question, *Resolved* in the *Affirmative:* Bill read 2^a accordingly, and *committed* to a Committee of the whole House.

LORD REDESDALE said, that after

what had passed, he considered it his duty to move, that the petitioners have leave to appear at the bar by counsel. He thought it would be undesirable, when a petition of this kind had been presented, that their Lordships should not show their readiness to hear what arguments could be urged on the behalf of the petitioners. He thought it probable that counsel would not be called in if the Motion were agreed to, because counsel must be paid their expenses, and it was not very likely that parties would incur an expense which could not fail to be attended with so little advantage.

Moved—"That leave be given to the petitioners [namely, certain inhabitants and electors of the borough of St. Albans, whose petition was presented this day] to be then heard by Counsel against the Bill."

LORD CAMPBELL supported the Motion. The parties had prayed to be heard by counsel, and he thought they were entitled to have their request granted, especially as the Bill which affected them was one of pains and penalties.

EARL GREY dissented from the Motion. Without entering into the question whether the Bill was one of pains and penalties or not, he held that the Parliament, acting in the high capacity of passing such measures as were necessary for the public good, was not to be bound down by those narrow and technical rules which guided courts of justice. That principle which there was a tendency in that House to adopt, was very erroneous, and ought not to be followed for the future. They ought to pass no Bill without being satisfied that it was expedient for the public good, and consonant with justice; but that was all on which they should require to be satisfied. It would be utterly impossible for any counsel at the bar to allege reasons which would induce their Lordships to throw out this Bill. It was quite clear there were sufficient grounds for passing the measure; and would it conduce to the decorum of their proceedings to hear counsel for two or three hours at the bar endeavouring to make out a case, when their Lordships knew the facts were directly against them? The proposition of the noble Lord was an attempt to limit the House by certain technical rules, and would convert their proceedings into a farce.

The EARL of DERBY should certainly have thought that it was unnecessary to hear counsel; but his noble Friend on the woolsack said that it was usual, in such cases, to concede this privilege to parties who desired to avail themselves of it. He understood that counsel were heard on the second reading of the Bill for the disfranchisement of Sudbury, and that was a precedent which might be followed in the present instance. At all events, it would be more satisfactory to give to the parties that opportunity, which they considered to be an advantage.

LORD MONTEAGLE confessed he saw great difficulty in agreeing to the proposal for hearing counsel at the bar. If this had been a peculiar or solitary case, he would have been quite ready to assent to the Motion; but it was not. They had a precedent in the disfranchisment of Sudbury, but still it was open to the House to say whether that was just or not. The parties had already been heard before one tribunal, and he did not anticipate that any good would result from a further judicial inquiry by the House.

LORD BEAUMONT denied that the parties had been heard before any judicial tribunal. The Commission appointed by Parliament was merely a reference for an inquiry; the Commission had made that inquiry, and reported the result to the House, which was really the judicial tribunal, to determine the case; but the parties had no opportunity of being heard before that Commission—no counsel appeared on either side—and all that was done was to ascertain the facts necessary for their Lordships to form their judgment upon. The parties were now before them—they petitioned to be heard in defence, and, if that was refused them, their Lordships would do a monstrous injustice, and act contrary to the practice of every other tribunal in the country. He did not mean to say, that if they were heard, the opinions of the House would be altered, because the facts were so strong that he believed no ingenuity of argument by counsel could affect or alter the impression on the minds of their Lordships; but that was no reason why they should abandon the precedent of giving the fairest hearing to parties who were accused, and about to be punished by an Act of Parliament. If any doubt existed as to the propriety of the course, it would be better to strain a point in favour of the accused persons, than to deny them a hearing.

The MARQUESS of CLANRICARDE agreed with Earl Grey that it would be a mere form of mockery, derogatory to the dignity of the House, to hear counsel when nothing they could say would alter the intention of their Lordships. It was his opinion that they must not, in such a case, act entirely in a judicial capacity.

The Duke of ARGYLL asked what could possibly be proved by the parties? The Commission to which that House was a party, was issued with extraordinary powers, and examined witnesses on oath. It was clearly and legally proved to the Commission that corruption existed to an enormous extent in St. Albans. Very possibly counsel at the bar might make out a case in favour of a considerable number of the inhabitants; but then came the question, how many pure voters in a constituency would authorise them in throwing out such a Bill? They had evidence on oath before them that by far the largest number of electors were guilty of bribery, and, under these circumstances, it would be almost a parody on the forms of the House to hear the parties.

The Duke of NEWCASTLE agreed with the noble Duke, but carried his objections still further. A Bill would shortly come before their Lordships which had been introduced into the other House by a noble Earl for the purpose of putting a stop to corruption at elections, and to this Bill he attached the greatest possible importance. It was based on proceedings entirely similar to those which had taken place at St. Albans, and would deal with all boroughs where practices of the same kind were proved to exist. If they followed the precedent which, perhaps, without much consideration, was adopted in the case of Sudbury, namely, allowing counsel to be heard at the bar, they would greatly weaken that mode of proceeding which he considered was a very great, though perhaps not altogether a perfect, improvement upon the old system. If they once waved the new plan, and adopted the old precedent of hearing counsel, they would, before long, have a repetition of party divisions and squabbles on questions which required an absence of all party feeling. If noble Lords would support him, he should certainly go to a division upon the Motion of the noble Earl on the woolsack.

Lord CAMPBELL said, it was not by any means his intention to propose a renewal of the inquiry, and to have all the evidence repeated at the bar, but to allow counsel to be heard on the effect of the evidence which so deeply concerned the electors.

The Earl of WICKLOW observed that, being an old Member of the House, he had often heard discussions of this nature. When Motions were made to hear counsel at the bar, they were met by similar arguments to those just advanced; but their Lordships' sense of justice had always overruled the objections, and if the noble Duke's proposed Amendment were passed, that would be the first instance in which they had precluded parties from being heard. He trusted the noble Duke would not proceed to a division.

On Question, their Lordships divided:—Content 41; Not-Content 15. Majority 26.

List of the Not-Content.

DUKES.
Argyll
Newcastle
MARQUESS.
Clanricarde
EARLS.
Albemarle
Bessborough
Clarendon
Granville
Grey
Harrington
Harrowby
Minto
BARONS.
Foley
Manners
Monteagle
Say and Sele

Resolved in the *Affirmative.*

House adjourned till To-morrow.

PROTEST

Against the Vote of the House of Lords by which it was decided to hear Counsel against the St. Albans Disfranchisement Bill.

Dissentient—

1. Because the facts upon which this Bill rests have not been called in question, and the Motion implies that which I consider a mischievous and unconstitutional notion, that this Bill and all similar Bills are of a strictly judicial character, requiring the observance of those legal forms to which the House of Lords wisely and mercifully adheres in proceedings having for their object the punishment of guilt; this Bill enacts, not the punishment of individuals, but an improvement in the representation of the people and the constitution of the House of Commons. The elective franchise, in my opinion, is neither a property nor a right, but rather a trust; and Parliament is not only competent, but is bound, upon sufficient reason shown, to regulate, limit, alter, or revoke that trust, as may seem most conducive to the purity, efficiency, and character of the House of Commons. If, indeed, such Bills as these were strictly Bills of pains and penalties, how monstrous would be the injustice of confounding in indiscriminate punishment the innocent with the guilty; and that many voters at St. Albans were innocent was stated in debate by the promoters of this Bill; and how absurd would be the policy which left convicted criminals free to exercise their political franchises in every part of the Kingdom, except the borough of St. Albans!

2. Because it is intended, no matter what may be the nature of the pleading at the bar of the House, that the petitioners shall be debarred from giving evidence in support of that plea; but coun-

sel may be instructed to advance assertions which, if proved to be true, would show this Bill to be unjust and unwise. To listen to such statements and then to treat them with utter disregard, refusing an investigation of their correctness, must appear a mere mockery of judicial proceedings, derogatory to the dignity, character, and authority of the House of Lords.

3. Because in the cases of the Scottish Union and of the Irish Union (notwithstanding that in the latter case the right of sending burgesses to Parliament was considered to have a pecuniary value), and in the instance of the Irish 40*s.* freeholders, this House did not deem it necessary to adopt any legal proceedings or forms; neither was any legal inquiry instituted, or any useless ceremony gone through, upon the passing of the Reform Act in 1832. The statutes enacted upon these various occasions, and others abrogated, limited, or otherwise dealt with, the franchises of thousands of our fellow-subjects of all classes, and political privileges enjoyed by individuals. It seems to me, therefore, that now to maintain the doctrine that this House in dealing with such reforms and changes of the electoral system as time or circumstances may render expedient, must invariably follow the practice necessary only, but necessary indeed, for Bills of pains and penalties, is to interpose useless delay and impediments to improvement, neither sustained by reason, nor in accordance with the constitution.

SOMERHILL.

HOUSE OF COMMONS,

Thursday, April 22, 1852.

MINUTES.] NEW MEMBER SWORN.—For Harwich, Sir Fitzroy Kelly.

PUBLIC BILL.—3° Linen, &c. Manufactures (Ireland).

PAPER DUTY—TAXES ON KNOWLEDGE.

MR. MILNER GIBSON, in moving the Resolution of which he had given notice for the repeal of these duties, said: In bringing under the notice of the House a proposal for the repeal of any portion of taxation, and for lessening thereby the public income of the country, a Member labours under considerable difficulties, for there naturally arises in the minds of hon. Gentlemen, upon such a proposition being made, the feeling that it proceeds out of what has been termed "an ignorant impatience of taxation," and that the Motion is dictated by some clamour out of doors, arising from an indisposition to pay any tax whatever. I admit that there are persons who are rather indiscriminating in the course that they take in reference to the repeal of taxes. I, for one, have always endeavoured to avoid supporting any Motion, or encouraging any views, for the repeal of a tax, without I had first satisfied myself as to the grounds on which I was proceeding; and I hope that I may be understood as bringing forward this Motion on grounds of public policy in reference to the character of the tax, and its effects upon the morals and industry of the nation, rather than upon the effect that it produces in increasing the price of the article that is taxed to the consumers of this country. There is another point, with regard to the financial arrangement, which will shortly be submitted to the House. We are sometimes told, after the Budget has been laid before Parliament, that as the financial arrangements of the year are completed, it is improper to bring forward any Motion for the repeal of taxes; and again we are sometimes told that it is improper to bring forward any Motion of this kind because the financial statement has not been made, and that we ought to wait until the Government has informed the House what their financial arrangements are that they propose to submit. In accordance with these two views, it would be impossible to fix any time to bring forward a Motion to repeal a tax. But I conceive it is the legitimate function of any Member of this House, without in the slightest degree questioning the necessity on the part of the Government to exercise the most extreme caution before they part with the public income of the country, to scrutinise the sources of our taxation, and to ascertain whether the money that is to be raised for the support of our national establishments cannot be raised in a better manner than that in which it actually is. In bringing forward this question, I would mention to the Government that I do not represent, as it were, any suffering interest. Neither papermakers nor newspaper proprietors, nor the publishers of cheap literature, do I profess to represent on this occasion. My desire is simply to represent what I believe to be the public interest on this question, and I beg therefore distinctly to state, if it be alleged as an answer to the case I am about to submit, that particular papermakers are not in favour of the repeal of the tax, and that particular newspaper proprietors would rather retain the stamp duty as it is now; in reference to certain vested interests, I beg to state that I am about to ask the House to repeal this tax solely on public grounds. Neither can I permit this question to be considered a party question. It will be in the recollection of the House that two Sessions ago I submitted it to their consideration, and it was then supported by Gentlemen of all political views; and therefore I approach it with the feeling that I am not advocating a party question to get a triumph for Gentlemen on one side of the House over Gentlemen on the other, but rather that I am advocating a question which affects the general interests and welfare of the community. I have the good fortune to submit a question to the House that was supported two years ago by no less than four distinguished Members of Her Majesty's present Government. To be in such a position is an enviable one for an independent Member of Parliament, and I will not presume in any remarks that I may make to the House that there is any hostility on the part of the Government to the Motion I am about to submit, though I may fancy that official restraint and peculiar circumstances may prevent those who are favourable to the cause from being able to agree to it at any particular moment; I shall act on the principle that in addressing the Government I am addressing those who in the main by their past votes and speeches have shown themselves to be friendly to the object I have in view. The first proposal that I shall make has reference to the simple question of the paper duty; and I would beg to remind the House, that in submitting this general Motion for the repeal of the taxes on knowledge, I do not propose to ask Gentlemen to commit themselves to a large reduction of taxation at this moment. I do not ask them to agree to any single Motion which embodies the three propositions, namely, the repeal of taxes on paper, advertisements, and stamps. All I intend is this, to ask them their opinion on each proposition separately, so that any Gentleman who is not favourable to the repeal of the newspaper stamp, but is to the paper duty, will be at liberty to vote for the latter proposition, and withhold his vote from the former. My own opinion undoubtedly is, that all these three Resolutions should be carried; but I shall submit them to the House separately, and take a separate division upon each. Let no Gentleman, therefore, understand that he is committing himself to any immediate large reduction of taxation in agreeing to one or other of the Resolutions that I shall propose. Indeed, in regard to the first Resolution, the duty on paper, I am only asking the House to agree with one Resolution which the Commission on Excise Duties came to in the year 1834. The Commission of 1834 came to the resolution that the duty on paper, in conjunction with two other duties that I need not allude to at present—that on moral, and general, and commercial grounds it was desirable that those duties should in the end be totally repealed. I say, therefore, what I am asking is not stronger than what the Commission recommended years ago. The proposal that I make is simply this—that such financial arrangements ought to be made as will enable Parliament to dispense with the duty on paper. That is a moderate proposal, and it only calls upon the House to pass an opinion that the duty on paper is not such a tax as ought to be considered a part of our permanent system of taxation. I am not now asking you to repeal the Act of Parliament which imposes a duty on paper, but I am asking you simply to say to the Government, that in their financial arrangements they would be consulting the permanent interest of the country if they could make such arrangements as would be sufficient for the public revenue, and which would at the same time repeal the duty on paper. This I hold to be a most moderate and legitimate proposition to submit to the House, and I hope that on principle no Gentleman, who is not actually in favour of the paper duty, will be prepared to resist it. Now the Motion that I have submitted, is headed with a species of preamble which is not submitted to this House in the form of a Motion, but merely as an indication to the House of the grounds on which, as far as I individually am concerned, I am disposed to press this matter upon their attention. It speaks of the injurious policy of deriving revenue from taxes on knowledge. But before I go to the effect of the paper duty in preventing the diffusion of knowledge, if I were to omit altogether every allusion to the oppressive regulations consequent upon it, and under which the manufacturers of paper labour, if I were to omit altogether every allusion to the bad effect of the paper duty in obstructing the improvement of the manufacture of paper, in hindering the employment of labour, and in preventing our becoming an exporting country in the article of paper; if I were to omit these points, I should be considered not to do justice to the matter I have taken in hand. With regard to these oppressive regulations, I am quite aware that to complain of these excise regulations is, after all, but a complaint against the whole of your excise system. I quite admit that; but what I maintain is, that no case can be made out so strong in regard to the manufacture itself, and the employment of labour on any article subject to excise duty, as can be made out with reference to paper. There are Gentlemen far better acquainted with all the many details of the vexatious regulations which the Excise, for the purpose of protecting the revenue, is obliged to carry out; but of this I will remind the right hon. Gentleman the Chancellor of the Exchequer, that, although the regulations in reference to the manufacture of paper are most oppressive and vexatious, rendering it scarcely possible for a manufacturer to touch the very paper he has made; nevertheless, they are not sufficient to protect the honest manufacturer from fraudulent paper manufacturers; and it is an undeniable fact that large quantities of paper come into the market which have never paid the duty, and which comes into competition with the article produced by the fair and honest manufacturer that has paid the duty. This is one important matter in reference to these regulations, because, although you may relax them, yet in that very relaxation you incur a new danger in enabling manufacturers the more easily to bring paper into the market which has never paid the duty. Bear in mind that these regulations are almost at the instance of the manufacturers themselves, as being necessary to protect them, as it were, from the competition of fraudulent dealers. But with regard to the employment of labour, and especially as I address a Government that especially cares for the agricultural interest, let me remind the right hon. Gentleman the Chancellor of the Exchequer that the manufacture of paper is one of our rural manufactures, and that the clear streams of Buckinghamshire are precisely those best adapted for the manufacture of paper. But the excise duty on paper has shut up all the paper mills on the Buckinghamshire streams. The paper manufacturers are gradually becoming more and more reduced in number, thus showing the fact that the Excise system and these regulations have created a congestion of capital, and are bringing the whole business into the hands of a few great capitalists. I will take the liberty of reading a letter which the right hon. Gentleman the Chancellor of the Exchequer has received from Mr. Herbert Ingram, the proprietor of the *Illustrated London News* on the subject. He says—

> "I yesterday did myself the honour to forward for your acceptance a copy of the *Illustrated London News*, of which I am the proprietor, that I might bring under your notice a copy of your portrait engraved for that journal. I now take the liberty of addressing you upon a subject of national importance, affecting not only the trade and the literature of the country in general, but the welfare of the agricultural population in many districts, and especially in Buckinghamshire and Hertfordshire. The subject I allude to is that of the excise duty upon paper, with the whole effect of which I am particularly acquainted, not only as a newspaper proprietor, but as an extensive manufacturer and consumer of paper. Your long and honourable connexion with literature, and the high position which you now occupy in the councils of Her Majesty, justify me in believing that you will do me the honour to listen to the facts which I proceed to lay before you, in explanation of the practical injuries inflicted by this impost; injuries which were, I am certain, never contemplated as possible when the tax was first levied. I need scarcely explain to you that, when paper is made, it is wet; that, as the excise duty is levied upon the weight, the paper manufacturer naturally dries the paper that it may be as light as possible when he is favoured with the visits of the excise officer; and that, after it has been so dried, and paid the duty, it must be wetted again before it can be used in the printing office. The double process of drying and wetting, besides being attended by a very considerable expense for labour, naturally damages the quality of the paper; and, moreover, involves an additional cost in subjecting it to pressure, that the article may recover the glossy and smooth surface it has lost. Now, I have found by experiment and trial that paper can be manufactured in a fit state for the printer, with a beautifully smooth surface, which would not be impaired by printing and drying; and that printing upon such paper could be carried to much higher perfection as an art, both for letter-press and engravings, than can be attained by paper dried and rewetted according to the present practice. The dampness of such paper would be scarcely perceptible to the touch, but would require for such paper as the *Illustrated London News* is printed upon a weight of steam or water amounting to no less than 13 lb. per ream. If I were to use such paper in my business I should have to pay an excise tax upon water of no less than 1*s.* 7½*d.* per ream, in addition to a tax of the same rate per pound on the paper itself. Now, I consume twenty-six tons of paper per week, or 1,040 tons and upwards per annum, a fact which I state that you may see at a glance what an enormous sum I should have to pay as a penalty for using the improved paper which I would manufacture by the aid of a little water. I am quite willing and prepared to inform all printers and papermakers of my experiment, and its results, which could be immediately adopted with much benefit to all concerned, provided we could obtain a removal of the excise duty. Among other innumerable objections to the impost, which, as a practical man, I could point out, I may be permitted to remind you that it involves considerable trouble and expense in collecting, both to the manufacturer and to the Custom House, and prevents books from being

printed where they ought to be printed, namely, at the paper mill itself."

This I read in order to show the effect of your regulations in preventing the best mode of manufacturing paper. Mr. Ingram then goes on to say that he could employ this invention in the manufacture of paper for educational books, but that he is prevented by this obnoxious paper duty from adopting that system. Mr. Ingram finishes his letter by saying—

> "Were it not for the operation of the excise duty I could print at my paper mill educational books, bibles, testaments, &c., and indeed every description of books, at the cost of the ink, added simply to that of the paper; a fact which, with others equally important, I think I could satisfactorily prove to you if you would grant me the honour of an interview. You must, Sir, in your youth, have wandered along the beautiful streams of Buckinghamshire, and listened to the busy sounds of the water wheel tearing to pieces an otherwise useless article to manufacture it into valuable paper; and it must have given you pleasure to reflect that this gave healthful, pleasant, and remunerative employment to great numbers of the rural population. Most of the Buckinghamshire mills have, I grieve to remind you, been swept away under the operation of the excise duty, and transferred to barren but populous coal districts, leaving the population of Buckinghamshire unemployed, and, to a great extent, pauperised. I have no hesitation in saying, that if this excise duty upon paper were abolished, these mills would be again prosperous, and employ large numbers of people. Nor is this the only evil result of the tax upon agricultural districts. One article, straw, which is produced by the farmer, is no sooner employed in paper making, for which it is well adapted, than it is taxed 300 per cent. I need not dwell at further length upon such a positive injury to agriculture as that is."

So that you see that with regard to the raw material of which paper is made; with regard to the labour of men, and women, and children, who are employed in the manufacture of paper—and I believe that when paper is made, three-fifths of its value consists of the labour that has been employed upon it; considering also that the agricultural districts are precisely the localities best adapted by the purity of their streams of water for the manufacture of paper; I contend that I have some claim to submit this question to the consideration of Gentlemen opposite, even as an agricultural question. And in regard to Ireland, I can have no doubt whatever that the repeal of the excise duty on paper would have a most beneficent effect on the employment of labour in that country. The excise duty on paper causes a larger capital to be required to carry on a paper manufactory than would otherwise be necessary; and therefore, in a country which has been so much pressed down by difficulties of various kinds as Ireland has been, and which has so little capital to carry on various branches of industry, it is highly important that so valuable a manufacture, particularly in respect to the employment of labour, should no longer be oppressed by these excise duties, especially when you consider that the revenue derived from that excise duty in Ireland is a very small portion, because the effect is not to give you a revenue, but to prohibit to a great extent the existence of the manufacture in that country. I have a short extract of a letter from a gentleman in Ireland on this very question:—

> "As a manufacturer I give constant employment and full wages to 300 individuals, all of this locality—most of them instructed by myself—[this gentleman writes from Dripsey-mills, near Cork], and I am told by the clergymen of the parish, both Protestant and Roman Catholic (for I enjoy the friendship of both), that I keep more than twice that number out of the workhouse. I devote my time and attention to my business, with the exception only of one day in the week, the best portion of which is given to my duties as Poor Law Guardian of this union."

This shows the importance of the repeal of the paper duty as an industrial question, and there can be no reason whatever why this country should not manufacture paper for the whole world. We might become exporters of paper as we are exporters of cotton goods, but by your foolish duty you actually induce Americans to come to this country, and buy up cotton waste, and the refuse of ropes, and a variety of other articles, for the express purpose of manufacturing them into paper, with which your own colonies are supplied. Why, this is a system that does not supply you with revenue. All it does is to prevent in this country the progressive increase of a valuable manufacture, to prevent the employment of labour, and to prevent the improvement both moral and physical of the great body of the working population. I have touched upon these points of importance, but I will now allude to that most important view of this question that peculiarly belongs to it, and does not apply to any other question that arises out of taxation, and that is the effect the paper duty has upon the literature of the country. Now, Sir, I beg to ask a favour of Gentlemen opposite, if any of them condescend to go into this question, and also of Gentlemen on this side of the House, that they will not make use of an argument which has been as it were a stock argument used in opposition to the repeal of the paper duty. It is said that the duty on paper enters to so small an extent into the retail price of a book, that a purchaser of that book would never feel the effect of the repeal of the paper duty; and the right hon. Gentleman lately the Chancellor of the Exchequer, and another right hon. Gentleman the late President of the Board of Control, who is no longer a Member of this House, but is now a Member of the other House, both made use of this argument, and alluded to M'Culloch's *Dictionary*, saying it weighed four pounds and a half, and sold for 50*s*., and the paper duty being three halfpence a lb., that made the duty amount to something like sixpence on this *CommercialDictionary*—a reduction which the purchaser would not appreciate. Well, now I can only say in answer to that statement, that it may be very just, but that it has no reference to the position I am taking on this question. My position is not in reference to the paper duty on works which sell at 50*s*., but on your cheap literature, which is sold at a low price, and which to succeed must have an extensive circulation: that was the species of literature I was touching upon. But even as to the former argument, if the reduction of the price of books is of no value to the purchaser of books, what is the meaning of our repeal of the paper duty on Bibles and Prayer Books, but that you wish to increase the circulation of the sacred volume, and an acknowledgment that your excise duty on paper has to some extent at least an effect in preventing the circulation of these books? The view of the question that I am raising is not at all met by this argument about M'Culloch's *Dictionary;* and I ask as a personal favour that upon this occasion at least it will not be repeated, though I know it is the official argument that has always been used. What appears to me to be the real injurious effect of the paper duty on your cheap literature is, not that it raises the price, but it can be demonstrated mathematically that it deteriorates its quality; that the tax on paper stands in the way of improving the quality of that literature which is circulated among your people, and that you have a deep interest in taking every step in your power to render it as moral and as improving as possible. You have your penny publications; but what stands in the way of rendering these publications as good as they might be? Why, your paper duty, and I will explain how that operates. Take the case of a penny publication, and I will quote Mr. Cassell, who is extensively engaged in the publication of excellent works calculated to improve the great body of your population. One of them is entitled, and justly, the *Popular Educator.* Why, this gentleman calculates that the money he pays to Government in the shape of duty on the paper used in these publications is little short of 100*l*. per week. If the duty were repealed, the price would not be reduced. The price of a penny is low enough to insure a large circulation, but he could not put into his pocket the 100*l*. per week. Competition would force him to lay it out in improving the publications, and he would employ that 100*l*. per week in employing better literary talent than he is able to employ at present. Why, it is a monstrous thing that a man who issues penny publications in this country, as the *Popular Educator* and the *Working Man's Friend*, should be called on to hand over to the public some 40*l*. or 50*l*. a week for each such publication, the fund out of which authorship should be paid. The man who only looks to cheapness, who does not care what he publishes, and who gives translations from French novels, and matter appealing to the passions, for the purpose of creating a large circulation, copies what he wants from existing works, and the duty that he pays to Government does not stand in the way of his issuing forth these penny publications, because he does not want a fund out of which to pay for authorship; but if you wish to meet that man in the market with better cheap publications, you must create a fund out of which authorship can be paid, and a higher order of literature produced. I do not know that I have stated the case clearly to the House. It is clear to my own mind, but I will refer the House to some observations written by a gentleman who is well qualified to give an opinion on this subject, Mr. Charles Knight, who has published one or two excellent pamphlets on the subject, one called *The Struggles of a Book*, and the other *The Case of the Authors against the Paper Duty.* He is a man of weight on this question, and of experience; and I am sure the House will admit he is a legitimate authority. In a letter from him, dated 19th April, 1852, he says—

> "It is difficult to add anything new to the arguments which have been urged in the House of Commons, and by other modes, for the abolition of the paper duty. A few points have struck me in addition to what I have written on the subject. Amid much which is injurious or frivolous in cheap publications, I think there is a manifest

tendency towards the moral and intellectual improvement of the general character of our popular literature. The conductors of periodical works almost exclusively addressed to the working classes, as they are termed, appear to me to have commenced ceasing to think that it is necessary to write down to their readers. As a natural consequence of this tendency, writers of information are more needed, perhaps more employed. But this tendency is counteracted by the paper duty. I will explain myself as briefly as I can. If 250*l.* be given for the authorship of a large octavo volume, it operates as a charge of 5*s.* per copy if 1,000 copies be printed, and the book must be high-priced; but if 10,000 be printed, the authorship only enters into price at the rate of 6*d.* per copy, and the book may be low-priced. But the paper duty upon such a volume amounts to 6*d.* per copy, whether 1,000, or 10,000 be printed; and, if 10,000 be printed, amounts to as much as the authorship. Reduce the payment of authorship, and the value of the book is injured; take away the paper duty, and you neither lower the quality nor limit the sale of the book. There is, then, a fund for the better remuneration of that labour which is to raise the quality and extend the sale, and thus advance the great end of all popular literature—the diffusion of knowledge and the elevation of the moral and religious character of a people. But it is said that the repeal of the paper tax would only operate as a bonus to publishers, without lowering the price of books to the public. I believe that the ordinary effects of competition would determine this doubt very satisfactorily. It is possible that there might be no direct lowering of price in many cases of low-priced books; but I am quite sure that there would be an improvement of quality. The number of printed pages sold for 1*s.* might be the same as now, but there would be better paper, better type, and, what is more important, improved authorship. Publishers of very cheap books would look for something to publish having a copyright value instead of bad translations and hacknied reprints. Beyond this, large undertakings, of which we have very few now, would have a greater encouragement were the paper duty repealed, for the price of voluminous works could be directly lowered, and their sale consequently increased. I will give an example. I have determined to bring out a new Cyclopædia—the *Imperial*—founded upon the *Penny Cyclopædia.* It will form 20 volumes. If I print 5,000 copies, the taxed paper would cost 12,000*l.*, of which the actual duty would amount to 2,250*l.*, and the direct and indirect additions to cost, consequent upon the duty, would, as I believe, double the tax. Looking at the operation of the cost of paper alone, I could reduce the price of the book 5 per cent to the subscriber if the tax were removed; but, taking into consideration the fact that I could then print 1,000 copies at the price at which I could stereotype the 30 volumes (which process is chiefly employed to save the outlay of capital in taxed paper), I would reduce the price 10 per cent. The effects of such a tax upon prices are not to be measured by its direct amount. For example, it may be said that the drawback of duty upon exported books allows the foreigner to be charged as low a price as if the paper were untaxed. This is really not the case. The drawback only represents the positive tax, and not the increased price consequent upon the tax. Assume that I can sell 500 copies of my *Cyclopædia* to an American publisher at 5*l.* per copy, the taxed paper costing me 1,200*l.* I obtain a drawback of 225*l.*, which reduces the price of the 500 copies to 2,275*l.*, at which rate they were invoiced. The American tariff of 10 per cent adds 227*l.* 10*s.* to the importer's outlay, making a total of 2,502*l.* 10*s.* But if I could buy my paper untaxed, I consider that I should save, in various ways, 450*l.*, so that I might reduce the price to 4*l.* 2*s.* per copy, to which the tariff would add 205*l.* The importer would therefore save 247*l.* 10*s.* That advantage to the importer of 10 per cent would probably double my sale in the United States. One portion of the advantage would be the diminished amount of tax which he would pay to his own Government. The direct tax, and its collateral effects in one country, produce similar effects in another country, raising price to the consumer, and thus narrowing the market of the producer. The chief argument which I have constantly urged for the repeal of the paper duty is, that the tax presses most unequally upon the lower-priced publications, as compared with the higher-priced, and therefore interferes injuriously with the education of the people. Upon the wholesale price of a modern novel, it is 1¼ per cent. Upon Mr. Dickens's *Household Words,* it is 12 per cent; it is 2¾ per cent upon the *Quarterly Review;* it is 17 per cent upon *Chambers's Papers for the People.* Look at the inequality as regards the two latter examples of periodical works, addressed to different classes of the community. 1,000 copies of one number of the *Review,* sold for 6*s.*, pay a duty of 4*l.* 14*s.*; 1,000 copies of one unbound volume of the *Papers,* sold for 8*d.*, pay a duty of 3*l.* 6*s.* If there were an *ad valorem* duty of 5 per cent upon the printed books, 1,000 copies of the *Review* would pay 15*l.*, and 1,000 copies of the *Papers* would pay 1*l.* 13*s.* 4*d.* It is estimated that the annual sales of all books and periodical works, not newspapers, amount, at the retail price, to 2,000,000*l.* An *ad valorem* stamp of 5 per cent would raise as much as the paper duty on printed books, and would operate less injuriously. Capital would not be locked up in the tax, for the stamp would be demanded as the demand for copies went on; and the manufacturer's and stationer's profit upon the tax would be got rid of. The public would then readily understand that a tax upon paper is a tax upon knowledge, and would not be deceived into a belief that because it enters into the price of a 12*s.* volume to the extent only of 6*d.*, its removal would not benefit the great and increasing body of book purchasers. Such a mode of levying a tax upon literature would be more obnoxious than the paper duty, though less harmful; but there would be justice in the principle instead of the gross inequality of the existing law."

I think that if you are sincere in your wishes to advance education, you should show your sincerity by making this one of the first taxes to be repealed. It is not a consumer's or a trade question, it is a moral question; and I beg of you most earnestly and respectfully to consider it in that light. It appears to me an inconsistent course to be teaching the people to read, if you do not at the same time do everything in your power to improve the quality of the books they are likely to peruse. The existing demand for penny publications, and the appetite for knowledge of some kind or another, is so strongly evidenced by the extent of the transactions in this branch of business, that you must not suppose that there will not be extensive circulation of some kind or another, no matter what may be the state of the law. That is no longer a matter of doubt, but a matter of certainty, and therefore every well-wisher of his country must desire that the quality of the literature which is so extensively circulated should be as good as it is possible to render it. I have dealt with the advertisement, the paper, and the newspaper stamp duties together, because these three taxes originated at the same time, were put on together, were reduced together, and I should wish them to be taken off together. I admit that the duty derived from paper, amounting to about 800,000*l.*, although after all but a small sum when set against national education, is too large a sum when looked at financially to ask you at once to repeal. The Resolution of which I have given notice calls for the immediate repeal of the newspaper stamp and the advertisement duty; but, as I said before, I only ask you to record your opinion that the paper duty ought not to be retained as a permanent mode of taxation. I have great suspicions, and I will give my reasons for those suspicions, that these latter, and the paper duty itself, under the specious disguise of raising money, as it was called, for the purposes of the war, were really only parts of a system established for the purpose of restraining literature and keeping down the press. I suspect as much, and I think I am in a condition to prove it, in the case of the advertisement and stamp duties, and I cannot help thinking that as they came into being at the same time, and by the same Act of Parliament, that similar motives actuated the Parliament of those days as regarded these imposts. With regard to the advertisement duty, what is it? Only 160,000*l.* a year. Is that a large sum to be frightened at? Let us remember what a large surplus revenue we have when we talk about repealing a duty which I believe strikes more than anything else in this country at the very revenue which was proposed to be augmented by its adoption. A tax on advertisements! A tax providing that no man may say what he wishes, or tell what he wants, in the way of business transactions, without being fined eighteenpence every time he speaks through the only channel by means of which he can make himself generally heard. It is impossible to conceive, if I may be allowed to use so unparliamentary an expression, a more stupid tax than this advertisement duty. Why, if I wanted to find out a mode for lessening the public revenue, I should certainly invent one restricting the communication between commercial men, and in lessening communications, lessen transactions, lessen trade, lessen consumption—in short, lessen the sources from which revenue arises. I venture to say that if you repeal this advertisement duty of 160,000*l.* a year, you will never know it in next year's revenue, Then, if this be true, can anything be more cruel than to say that the poor servant girl who wants a place, if she makes her want known, must be fined eighteenpence? Take again the cases of shipping, of mercantile transactions of every kind, can anything be more obvious than that to impede the knowledge of what is going on, is the surest possible way of restricting mercantile transactions? There is nothing a man has to sell which some other man does not want to purchase, if they could only be brought together. Do not add, then, to the unavoidable difficulties of trade, which are themselves large enough; do not stand in the way of the people making their mutual wants known to each other. Look at the United States, with their 10,000,000 of advertisements in their newspapers every year. How many have you in England with a similar, and, if possible, a more commercial population? Only 2,000,000; and you are thus defrauded of 8,000,000 of advertisements by the duty. And who are many of these advertisers who are shut out by this duty? The very poorest of the population. The rich advertiser who takes his column of the *Times* pays his eighteenpence, and the poor servant maid, who wants a place is similarly taxed. Why, there is no justice in the distribution of the tax, setting aside the unfairness of the principle. Its inequality is so glaring, that, whether I advertise in a paper of large or small circulation, the duty is the same, although publicity is what I am supposed to be paying for. But I cannot believe that the money, 160,000*l.* a year, is or was the object with the Legislature. Revenue never can be the reason why rational beings should persist in maintaining a tax which is so opposed to commercial progress and sound principles of legislation. There is something else; and that something is, to injure and keep down the newspaper press, and to cripple its independence. That is made evident by the tenor of your law. You practically say in your Act of Parliament that every time a man advertises in a newspaper he must pay eighteenpence, but if he advertises on a wall or in an omnibus, or employs one of those nuisances, the advertising vans, to which an hon. and gallant Member some time since called the attention of the House, he may do so, and there is no duty imposed. But let him go to the newspaper, and he is mulcted in a pecuniary penalty at once. The advertisements form the legitimate fund for supporting a newspaper; and if you drive people away from its columns, you take the most direct means possible for injuring and lessening the independence of the newspaper press. Why, all these nuisance vans, placards, and advertising companies, are only so many proofs of the pressure of the advertisement duty on the means of publicity. I must here observe that a company has actually been formed for the purposes of this mode of advertising. But your advertisement duty does not affect them: it is only when you go to the unfortunate newspaper, the legitimate vehicle for this kind of knowledge, and which ought to have the benefit of these advertisements, that the penalty is enforced. I hold the prospectus of this company in my hand, and from this it appears that the company undertakes to advertise anything and everything, and will absorb the advertisements that would go to the newspapers, were it not for the tax. And, after all, what is an advertisement? I am certain this House does not know. The Board of Inland Revenue does not know; so strange is the tax that even official personages cannot understand or explain it. There is, for instance, the *Daily News*, a paper that undertook to give a list of sales about to take place, not in the form of an advertisement, nor charging anything for the insertion. They gave it merely with a view of making their paper attractive, and to supply the public with a useful piece of information. But the Board of Inland Revenue at once pounced down upon the proprietors and said, "You shall not insert this list although you charge nothing for it, without you pay eighteenpence for each separate announcement." Again, it appears that its announcing ships to sail is an advertisement, while announcements of arrivals are free of duty. I mention this to show you that trade is not dealt uniformly with; and there are other ways in in which the general newspaper is interfered with. Class publications may make as many announcements without duty as they please. There is a sporting paper, in which you have various kinds of announcements every week which it appears to me are just as liable to duty as those upon which the duty is charged. In "Matches to Come," there is a whole list of pedestrian matches; and another list of what is called "the Canine Fancy," in which there is a long list of dog fights. Again, in the "Fancy" announcements as regards the "Ring," there is a regular announcement of all the fights to take place. For instance, there is "Wedgebury and Green, announced to fight at Birmingham," and fourteen or fifteen similar announcements. Now, what I have to say with regard to these announcements is, that they are much less valuable to the public than lists of ships to sail, or sales to take place, and that the latter are as much entitled to indulgence as the extracts I have read. Again, there are "Horse races" and "Steeple chases," very strong cases; and another announcement, headed "Ratting Sports Extraordinary;" but I believe the policy is not to interfere with this description of advertisement, which is only interesting to certain classes, and circulating only among particular persons, while you do everything to hamper the announcements in the general and political newspaper press of the country. You allow many of these announcements about prize fights and steeple chases, and meetings at public houses, and involving great pecuniary advantages to the parties interested, to go free, while on matters of public benefit and importance you come down on the newspapers for the advertisement duty. Inform the public that on such a day a sermon would be preached for the relief of the survivors of the *Amazon* calamity, or merely announce the places where subscriptions would be received, and although the newspapers put in those announcements gratis, the Board of Inland Revenue came down for its eighteenpence. It was the same in the case of the Irish famine, and in all subscriptions for religious or charitable purposes a great proportion goes to the Government; and it is only when we turn to the sporting world, to steeple chases and "ratting" feats, that the Board of Inland Revenue exercises such extreme leniency.

I hope, then, I may confidently appeal to the House for the repeal of this advertisement duty, which cripples the newspapers and prevents the diffusion of a vast mass of useful information, stands between the employer and the employed, and will, if persisted in, have a most pernicious effect on the competition in trade and commerce in which this country is engaged with the United States. I hope I shall have the support of the noble Lord the Member for London (Lord John Russell), who can have no objection on financial grounds, and who always expressed himself the friend of a free and independent press. Surely I may claim his support for my Motion. As a matter of course I shall have the support of hon. Gentlemen opposite, who brought forward a vote of censure on a distinguished Member of the late Government for some transaction with a newspaper in Ireland. Why, the reason that these newspapers are exposed to be tampered with, and to take money for writing up this or that political view, is because you deprive them by taxation of the legitimate means of carrying on an honest and independent career. And let me tell you, that throughout the whole newspaper press, although there may be some misgiving as to the newspaper stamp question, I never met one person who was not for the repeal of the advertisement duty; and it seems obvious that they should be so, because in proportion as you reduce the tax, you must increase the number of advertisements. In the case of the *Times* it would be impossible for it to have more advertisements than at present, for it would then become a huge book of advertisements. But there would be an overflow, and then every other newspaper would have a fair chance of getting a share. The *Times* would retain all it has, and possibly be improved in a commercial point of view, while the poor labourer or servant who advertised would be materially benefited. You must recollect that the advertising van is only a more costly mode of advertising than the newspaper, and that it is not suited to the servant or labourer, and other humble persons, who require the cheapest possible mode of announcement of having their services or other commodities to dispose of. Having said thus much with regard to the advertisement duty, which more properly belongs to my hon. Friend the Member for Dumfries (Mr. Ewart), who has devoted much attention, and made great and meritorious efforts on the subject, I will now pass on to the question of the newspaper stamp. I said I could show that this was not a revenue question at all, and that it had never been proposed by the Legislature, or continued by the Legislature, speaking through the preamble of their Act of Parliament, as a revenue question. For how do we find that the Newspaper Stamp Act originated? On the 17th of January, 1711, there was a Message from the Crown, and to that Message there was a reply, which I have extracted from the Journals of the House:—

> "Mr. Secretary St. John informed the House he had a Message. Her Majesty finds it necessary to observe how great license is taken in publishing false and scandalous libels, such as are a reproach to any Government. This evil seems to be grown too strong for the laws now in force; it is, therefore, recommended to you to find a remedy equal to the mischief."

The answer of the House was as follows:—

> "We are very sensible how much the liberty of the press is abused, by turning it into such licentiousness as is a reproach to the nation, since not only false and scandalous libels are printed and published against your Majesty's Government, but the most horrid blasphemies against God and religion; and we beg leave humbly to assure your Majesty that we will do our utmost to find out a remedy equal to the mischief, and that may effectually cure it."

In fulfilment of their pledge, I find the House proceeded to pass the following Resolution:—

> "Some Members were so exasperated at the Dutch memorial being published in a newspaper, that on the 12th, the House being resolved into a grand Committee to consider of that part of the Queen's Message to the House, the 17th of January last, which relates to the great license taken in publishing false and scandalous libels, Sir Gilbert Dolben being the chairman, they came to these two resolutions:—'1. That the liberty taken in printing and publishing scandalous and impious libels creates divisions among Her Majesty's subjects, tends to the disturbance of the public peace, is highly prejudicial to Her Majesty's Government, and is occasioned for want of due regulating the press. 2. That all printing presses be registered, with the names of the owners, and places of abode; and that the author, printer, and publisher of every book set his name and place of abode thereto.' These resolutions were ordered to be reported the Tuesday following; but the said report was then put off till that day se'nnight, and afterwards further adjourned from time to time; some Members having, in the grand Committee on Ways and Means, suggested a more effectual way for suppressing libels, viz., by laying a great duty on all newspapers and pamphlets."

These resolutions were ordered for discussion on the Tuesday following, but it was put off, and further adjourned from time to time, because some Member of the grand Committee of Ways and Means had in the interim suggested a more effectual way of putting down libel, namely, that of putting a duty on newspapers and pamphlets. To show that the object was not mistaken by the public writers of the day, I will read an extract from Dean Swift, in which he says—

> "Among the matters of importance during this Session, we may justly number the proceedings of the House of Commons with relation to the press, since Her Majesty's message to the House of January 17, concludes with a paragraph representing the great licenses taken in publishing false and scandalous libels, such as are a reproach to any Government, and recommending them to find a remedy equal to the mischief. The meaning of these words in the message seems to be confined to those weekly and daily papers and pamphlets reflecting upon the persons and the management of the Ministry. But the House of Commons in their address which answers this message, make an addition of the blasphemies against God and religion; and it is certain that nothing would be more for the honour of the Legislature than some effectual law for putting a stop to this universal mischief; but as the person who advised the Queen on that part of her message had only these in his thoughts, the redressing of the political and factious libels, I think he ought to have taken care by his great credit in the House to have proposed some way by which that evil might be removed; the law for taxing single papers having produced a quite contrary effect, as was then foreseen by many persons, and has since been found true by experience. Those who would draw their pens by the side of their princes and country, are discouraged by this tax, which exceeds the intrinsic value both of the materials and the work: and this, if I be not mistaken, without example."

Now all that Dean Swift foresaw has since come to pass. I therefore say, that experience up to the present time shows that taxes on newspapers and pamphlets is not the best mode of suppressing irreligious publications or libels upon Government, because such publications can be managed in a way in which you cannot reach them. They are sure to come out in times of excitement unstamped, and those who would support the cause of order and religion are disqualified by the tax from establishing wholesome publications to defend the truth. But the same feeling actuated the Legislature up to a recent period. When they extended in the reign of George III. the stamp to various publications to which it did not before apply, they said nothing about revenue, nothing of the kind. The Preamble of that Act ran thus:—

> "Whereas pamphlets and printed papers containing observations upon public events and occurrences, tending to excite hatred and contempt of the Government and constitution of these realms as by law established, and also vilifying our holy religion, have lately been published in great numbers and at very small prices, and it is expedient that the same should be restrained, may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after ten days after the passing of this Act, all pamphlets and papers containing any public news, intelligence, or occurrences, or any remarks or observations thereon, or upon any matter in church or state, printed in any part of the United Kingdom for sale, and published periodically, or in parts or numbers, at intervals not exceeding twenty-six days between the publication of any two such pamphlets or papers, parts or numbers," &c.

It is clear, therefore, that revenue was not the object. An idea, however, has sprung up, that though the stamp duty was not imposed for revenue purposes, the postal advantages which have been connected with it were such that the duty had better remain as it is, since it enabled newspapers and other printed papers to be transmittod through the post free from other charge. But with this question of the postal transmission of newspapers, the tax on news has really nothing to do. You may make what regulations you please for the transmission of printed papers by post, but the question is whether a man may be allowed to publish news without a stamp, It must be observed, that there are upwards of fifty-four papers which are allowed this privilege of only stamping the stamp on the particular papers which are transmitted by post; but by your plan you make those pay who do not send by post, in order that those who do may have postal accommodation. Now, it appears that there are 80,000,000 of stamps issued annually, and that there are 66,000,000 of postal transmissions. But of these, as was proved before a Committee of that House, one-half are re-transmissions; so that, in fact, the number of papers benefited by the accommodation is reduced to 33,000,000, and 80,000,000 of papers are taxed for the accommodation of 33,000,000 of papers. Besides, how easy would it be provide a stamped wrapper for printed papers, up to a certain weight, charging on it a penny, or a halfpenny, if you please? I am not here to suggest postal regulations; but of this I am sure, from what Mr. Rowland Hill said, that the Post Office authorities are anxious to retain the carriage of printed matter, and that, rather than lose it, they would carry them for the lowest possible charge. It might be less than a penny, for they would have to compete with private carriage; and Mr. Rowland Hill said that if all the newspapers were taken from the Post Office, they would not be able to reduce to any appreciable extent the expenses of the establishment. It is therefore clear that all that would be got for carrying newspapers would be so much added to the revenue of the Post Office. Besides, if the stamp was taken off, the man who now waits two or three days for stale news by taking in a secondhand newspaper, could then have a fresh newspaper at the same cost each day, and get the news at the earliest moment. It is clear that the object would be obtained by a cheap system of postal transmission. I am not one of those who think that newspapers ought to be carried free, but I object to making a law that every man shall stamp his paper if it contain news because there happen to be some people who wish to have the privilege of sending these papers by post. I say take off the stamp generally, and when you send by post let there be a stamped wrapper. I will not say more upon the postal question, which is beside the question before the House; and, besides, it will be perfectly easy to deal with it without injuring any person whatever. I now revert to two points which were suggested in the time of Swift, that these stamps would secure you from libellous publications. They do not, even if you were able to enforce the law, which you are totally unable to do, and perhaps would be afraid to do. The wording of the Act does not touch essays or political speculations. Among these publications there is one entitled the *English Republic, or God and the People,* attacking monarchical institutions, and, in the words of the Act, bringing the laws and institutions of the country into contempt. But this also deals with religious questions, attacks the truths of Christianity, and enters into political and theological questions—in fact, all those things which you wish to prevent. Then there is another paper. It is called *Notes for the People,* and is written by Mr. Ernest Jones. I will not say that it is of a questionable character, because I give no opinion on these publications, but I will read a paragraph from it in order to show the doctrines which are published for the working classes in the form of speculative theories while you are passing a law which has the effect of preventing their having any record of public news, or allowing papers of that kind to compete with publications such as these. It is a passage from this work of Mr. Ernest Jones, addressed to the people of the Bristol Cotton Works. [The right hon. Gentleman read the passage in question, which was in effect an invitation to the people to break down the monopoly possessed by the proprietors of the Cotton Works, and to endeavour to possess works of their own, and urging them to endeavour to obtain for the working classes 10,000,000*l*. out of the interest of the national debt, and 10,000,000*l*. out of the 16,000,000*l*. spent on the naval and military expenditure of the country.] This is the tone of the publications, and these are the theories which you are willing to allow. This is an unstamped publication, but it is precisely of the nature of those which the present law was intended to put a stop to. In quoting these publications, I am showing the extreme folly of preventing the people from having a choice between buying such a publication as this, and the news of a useful character which a cheap newspaper would record, which comprises the course of current events, the proceedings of our Courts of Justice, the proceedings of Parliament, and the occurrences of daily life in which every man takes a lively interest; and there is no one who would not prefer it to any mere speculative theories, or any collection of essays. But independently of this it is a monstrous injustice to deprive the working classes from having news in their penny publications. If you make war against news contained in penny publications, we of the upper and middle classes alone have all the news; and why are the upper classes to monopolise it all? Is not the labourer interested in obtaining a knowledge of all that is going on relating to trade, to the progress of emigration, and the advancement of industry? Look at the established newspaper press. What a pernicious effect these duties appear to have had on the established newspaper press! It can be shown that there are only two morning papers in London that have an increasing circulation; all the rest are declining, and become year by year "small by degrees and beautifully less." It appears to me that, unless you allow them the opportunity of reducing their prices, so that new fields of operation may be open to them, we shall soon have only two London morning papers left—the *Times* and *Morning Advertiser*. The *Times* has risen from a comparatively small circulation to one of 12,000,000 annually, while the rest of the press is declining. The House is in possession of all the tables which were laid before them last year, and which contain a return of the number of all the stamps issued, and it will be found with regard to the other papers that the *Morning Chronicle* has a yearly circulation under 1,000,000, the *Morning Herald* of perhaps something more than 1,000,000, and the *Daily News* perhaps of something like 2,000,000. The *Daily News*, soon after it commenced, reduced its price to 2½*d.*, when its publication immediately rose to between 3,000,000 and 4,000,000. The price was again raised, however, owing to the pressure of the taxation, and its circulation at once fell back to its old point, nor was it now, as far as he could judge, improving. In fact, the only two papers whose circulation was maintained were the *Morning Advertiser* and the *Times*. The former had a peculiar class of support, and the latter was eating up all the rest of the London daily newspapers, so that in a few years they would probably be the only newspapers which the people would have to read. That was not a satisfactory state of things. I take these facts from a work written by Mr. Henry Hunt, called the *History of the Newspaper Press*, and who there comments on the fact that during the last fifty years—with the exception of the *Daily News* and the *Morning Advertiser*—all attempts to set up new morning papers have failed; thus showing that there is no room for any new London paper; and that the tendency of your taxing newspapers three times over is to create a kind of monopoly in them, and to limit the diffusion of news to a few hands. I do not charge any existing paper with advocating the maintenance of the stamp duty, on account of their own vested interests. It was stated, on behalf of the *Times*, before the Committee of last Session, that the removal of the stamp duty would be attended with commercial advantages to that paper, and that the stamp on the supplement has a tendency to limit its circulation; and the words of Mr. Mowbray Morris, the manager of the *Times*, who was examined before the Committee, as I recollect them were, "that if, as manager of the *Times*, he had only to consider the supplying the public with as many papers as they would buy, he could double the circulation in two years." The effect of the stamp duty on the supplement of the *Times* was to render it necessary for the managers to prevent the circulation from going beyond a certain amount; for when the advertisement fund, for the advertisements in supplement, is exhausted, then, as far as the supplement is concerned, profit ends, and loss commences, so that the circulation must be stopped. Thus the effect of the stamp law is, first, to lessen the circulation of the leading paper to half what it might be; and also to affect all the other papers by causing a declining circulation; and, what is worse than all, to prevent the working classes from having any newspaper at all. You limit the supply of newspapers to the wealthy and middle classes, and deny it altogether to the working classes. I ask you therefore to repeal this tax upon principle. Can you enforce your law after all, and can you say what is news on which you profess to be able to impose a tax? What is the law upon this subject, and can your law officers explain it? What is the position in which you are now placed? You engaged in a suit at law with Mr. Charles Dickens, or rather his publishers, who published an excellent and interesting compilation called the *Household Narrative of Current Events*, which is issued every month, and gives the news up to the end of the month. The Board of Inland Revenue having put down other monthly publications of a similar character in different parts of the country, tried to put Mr. Charles Dickens's publication down also. He tried the question in a Court of Law, and the Judges decided three to one in his favour. So that after all the expense which was incurred in getting up the case and bringing it to trial, it was decided that the *Household Narrative of Current Events* was not a newspaper, and that Mr. Dickens had a right to publish news in a publication without a stamp, provided that it was not issued oftener than once a month. The Judges decided not in accordance with the practice of the Board of Inland Revenue, as pursued in many cases, but on a new view of the question—namely, that of the infrequency of the publication, and that news which is published only once a month is to escape the duty. Mr. Dickens has obtained a verdict in his favour, but the Government say they are not satisfied with that verdict, and the Chancellor of the Exchequer, or rather the Attorney General, says that he proposes to disturb that decision, and that he will have another lawsuit, in order to see whether this paper is liable to the stamp duty or not. I say this is a great grievance. You happen to have, in this instance, fallen in with a man of property and a man of spirit, who is able and willing to fight the question in a Court of Law; but how many persons are there who have neither the means nor the courage to contest a suit at law with the Board of Inland Revenue? If you tax so vague and so indefinite a thing as news, to all time the law will be one mass of uncertainty, and many persons will be subject to great injustice. You will be in the same position as you were under the Stamp Law in 1836, when, after some hundred persons who were connected with the publication sale of the *Poor Man's Guardian* were imprisoned, the Courts of Law decided that it was not a newspaper, and did not require a stamp; and therefore the whole of the proceedings against these persons was a gross injustice and a very great oppression. You will be in the same position if you carry out the law, as you are trying to do, in the case of the *Household Narrative of Current Events,* and you will end the matter in the same way as when the Board of Inland Revenue prosecuted these papers and seized the printing presses. I do not mean to say that there is any desire on the part of the Board of Inland Revenue to oppress the publishers of the *Household Narrative of Current Events,* for I believe there was a desire to administer the law leniently; but it is inherent in the system of taxing so indefinable a thing as news, that they should appear to act severely, and should be defeated in the end; and you will find that you will be defeated in the end. Those consequences will be the natural result. If you think it right to attempt to maintain the respectability of the press, to maintain your institutions, and the interests of religion, by taxing newspapers, is it fit that you should leave the discretion of prosecuting them or not to the Board of Inland Revenue? Are excisemen the sort of persons to be entrusted with the maintenance of religion and your institutions? If it is to devolve on them, as has been clearly proved before the Committee, to decide what publications are to be proceeded against, and in what cases the law may be dispensed with, you set them up in a certain degree as the censors of the press; and it is possible that in bad times they may be made subservient to the wishes of the Ministers of the day, or of any party that may wish particular papers to be oppressed. It appears to me to be a most dangerous doctrine to lay down, that the law is not to be enforced in all cases, but is to be held *in terrorem* over these publications, and they are to be told that they may go on within a certain limit, but if they break beyond that point which the Board of Inland Revenue may think to be dangerous to our institutions, then the penalties on unstamped publications will be enforced. It appears to me that such a result will follow from the law as it now stands on the Statute-book. Can any one believe that the Government of 1852 will venture on a crusade against the unstamped press, like that of 1836? I believe they would shrink from such an undertaking. But it is their duty to undertake it. If you are afraid to enforce the law, repeal it. If you cannot enforce it equally, do not maintain it; for if you do, you cause great injustice. There is nothing to prevent the Board of Inland Revenue from proceeding against these publications; but if they do, they will endanger the little that remains in their power, and the very existence of the stamp itself. I have stated that many of these unstamped publications contain news, but I will not confine myself to assertions, but I will bring forward proofs, and then leave the House to judge whether that is not the case. Take the *Racing Times;* does it not contain all relating to the various races and the latest betting; and is not that news? I am alluding to several sporting papers which are unstamped. There is the *Racing Telegraph,* which is as much a newspaper with regard to races as anything can be. Here is a recent number which takes a glance at the late meeting at the Northampton and Pytchley Hunt Races, and gives a list of the stewards and the whole account of the races. Then, with regard to the Epsom Spring Meeting, it tells us that "Lord Derby was successful in pocketing the Whittlebury stakes by means of his Longbow, and that Mr. Meiklam came in second." This is regular news; but the Board of Inland Revenue has chosen to draw a distinction between this class of intelligence and general news. So long as a publication confined itself to one subject, it need not be stamped. It appeared the principle is that if they divide a newspaper into half-a-dozen, each confined to one subject, they might be untaxed, but, if they collated them into one, the newspaper must pay. All this is I believe a pure invention of the Board of Inland Revenue, for a horse race is undoubtedly a public occurrence. If the "Derby" is not, what is, when this House has for some time past regularly adjourned upon that day? There are many sporting papers of the same kind. The *Racing Times* as well as the *Racing Telegraph* gives a similar account of the Northampton meeting. This is actual news, and the paper is a record of facts; and there are many other papers of the same kind, such as the *Legal Observer*, which chronicles all suits at law, and all the proceedings of our courts of justice; and the same may be said of the *Builder*, and others, which, if the law was enforced, would come under the operation of the Stamp Act. Then, with regard to comments on news, because your legislation was intended to affect not only the chronicling of current events, but the observations made on them—I ask if this is not an example which I take from a publication of Mr. Richard Oastler, entitled the *Home?* He gives Mr. Ferrand's letters to the Duke of Newcastle, and then he comments on several public proceedings, and on debates in this House, and addressed a letter to my hon. Friend and colleague (Mr. Bright), in which he says—

> "I should have left you to have taken your chance in your own 'tumult,' had you not, since you declared war, ventured, in the House of Commons, to utter the most extravagant, impertinent nonsense that ever escaped from the lips of mortal. At a time when all our military and naval authorities, supported by the voice of the public, demand that this nation shall be put in a better state of defence against foreign invasion, and when both the last and the present Government had determined that that most constitutional force, the militia, shall once more be organised, and that the men shall be trained a few weeks every year, to enable us to resist any invading force, you are ready to oppose that necessary and constitutional proposition. Not from any love of peace—that is impossible; for, but a few days before, you had proved that you were animated, from the soles of your feet to the crown of your head, with the martial spirit—the spirit of war, and were prepared to take the field, to engage in civil war, in defence of what you call free trade, which, no man knows better than yourself, means the ascendancy of the cotton lords, low wages, and long hours of factory toil."

I say, such a document, coming immediately after a speech delivered in this House, observing on public occurrences, and the publication which contains it, is liable to a stamp; but you cannot enforce the law, and if you did, you would have to deal with a legion of the same kind, and you would be involved in all the troubles of 1836. This is a cogent reason why I should vote for the repeal of this law. Again, take the *Legal Observer*. I found in it an article relating to the question of the attorney's certificate, which states "that many burdens of like character had been removed, while the attorney's annual certificate was excepted," and concludes—

> "We observe that several petitions for the repeal of this tax have been presented from individual members of the profession, and a few from particular towns; and we presume there can be no objection to these occasional notes of preparation for the renewed contest; but we understand the preferable course will be to procure the attendance of Members on the day fixed for the debate, in order that they may present the petitions to the House just before the Motion of Lord Robert Grosvenor."

This is merely observation upon news, and I might quote hundreds of the same kind from other papers, but there is one so marked, that I must state it. It is taken from the *Lamp*, an unstamped paper of 6th March, 1852, and it is contained in its first leading article, in which it is said—

> "Be it known unto all whom it may concern, that the Russell and Durham Ministry has paid the debt of nature. Long before these lines meet the eyes of our readers, all the world will have learned the fact, and all the world—save the paltry, place-loving family clique—will rejoice at it. What a singular turnout! And by what singular instrumentality! 'Old Pam' has had his revenge, and no doubt he chuckles o'er the downfall of him who so lately and so unceremoniously requested him to vacate his chair in the Foreign Office."

Now, I call this commenting on public events. Why does not the Attorney General enforce the law; or if he is afraid to do that, why not repeal it? This publication also contains many comments on the late Government, as well as on the present, and has also a leading article upon the coming elections, and states what the duty of the electors is in the following words:—

> "But, after all, what is our present duty? Why, to take every means in our power to thwart the Tories; to put them out of office as soon as possible. Give them not an hour's security. What, then! let the Whigs reassume power? Not so. The Whigs, as they are, can never again take office. There must be no family compact. There shall be none; or, if there be, the 'Brigade' will drum them out of their quarters."

If this is to be the mode in which you enforce the stamp duty on such papers, then I say that I have established a clear case why the House should consent to the Resolution I propose. The postal question I have disposed of. The newspaper proprietary we are not entitled to consider as a body who have a vested interest in the maintenance of these taxes, or who are entitled to urge that they should be maintained to prevent a new rivalry with their interest. Nor do I believe there would be many of them who would take that course, but if there were, we, as a Parliament, are bound to deal with them on the broad ground of justice to the community. Having so long detained the House, I will not trouble them with any lengthened peroration, but simply move the first Resolution.

Mr. EWART said, he most earnestly seconded the Motion of his right hon. Friend. He did so, because he believed that this was a question intimately connected with the practical education of the people of this country. The people of this country were justly deemed a practical people; and in his opinion the House could not more effectually promote their practical education than by adopting the present Motion. He objected to all the taxes included in the Motion: first, because he deemed the stamp duty to be a tax upon the raw material of thought; and, secondly, that the advertisement duty was a tax upon the intercourse of mankind. There was another reason why he objected to these taxes. He maintained that the great advantage of modern times was, that the people formed their judgment of public affairs by the deliberations of the press, and not by the agitation of popular assemblies. In the Greek and Roman times it was easy to mislead the people, because they were addressed through the ear; whereas the people of the present day were addressed by the press through their understanding. Now, he held that it was in accordance with the principles of peace, good order, and the security of property and society, that the people should have every means of solemnly and deliberately forming their judgments. On what ground were they asked to continue these taxes? Some Gentlemen seemed to think that they were part of the ancient institutions of the country, whereas the fact was that they were modern innovations. He maintained that those taxes were in every respect indefensible. The paper duty dated from the wars of Marlborough; the stamp duty was one of recent origin; and the advertisement duty was first imposed by Mr. Pitt. The paper duty, for instance, had been proved to be most adverse to the literature of the country. He would not accumulate cases in proof of this, but would simply refer to the fact stated by the Messrs. Chambers before a Committee of that House, that one of their popular publications had been discontinued, in consequence of this duty; and to another fact which had been stated by Mr. Knight, that with the paper duty it was impossible that a work like the *Penny Cyclopædia* could be again published. Mr. Greely, a witness from America, who was also examined before the Committee last year, stated that as there was no paper duty in America, the consequence was that the whole talent of the country was consecrated to the periodical press, which, in his (Mr. Ewart's) opinion, was a great advantage. Then with regard to the advertisement duty, he held that it was a tax upon the highway of human intercourse. He considered it, in fact, the most obnoxious tax ever invented. One effect of it was, that no new daily paper could be established so long as it existed. The *Times* swallowed up nearly all the advertisements in the country. In a single number of the *Times* there were many thousand advertisements, which, if sent to any of the other papers, would require to be inserted several times over before they received the same publicity; and, as it was necessary to pay the advertisement duty every time they appeared, there was of course a saving in sending them to the paper of the largest circulation. That was the reason that, so long as the advertisement duty existed, there could be no new daily newspapers. In America, where there was no advertisement duty, all religious and other societies were enabled to insert their advertisements in the papers in consequence of the small charge. Such was the effect of the system pursued in America, that in New York alone, a city with only one-fourth the population of London, there were 130,000 copies of newspapers circulated daily, while in London there were only 60,000 circulated, and of these 39,000 were of the *Times* alone. And, lastly, with regard to the stamp duty, he held that the stamp duty was most adverse to the circulation of sound knowledge. It was proved before the Committee on this subject, that in America no workman sat down to his breakfast without his paper. Now, he would like to see the same thing in this country. It was a most desirable consummation. It was said that newspapers would not be respectable if the stamp duty was taken off. In 1836, the stamp duty was lowered from 4*d.* to 1*d.*, and notwithstanding that reduction it had been admitted by the manager of the *Times*, and the editor of the *Daily News*, and by every other witness, that the papers had become more respectable than they were before; and, indeed, every one had the testimony of his own eyes to the fact that the newspapers were now infinitely more talented and more respectable than before the stamp duty was reduced. If, therefore, the reduction of the stamp duty did not lower the character of the newspapers, why should they fear that the repeal of the duty would make them more disreputable? Then, again, it was said that if the stamp duty were repealed, the newspapers would become more local in their character. Well, in his opinion, it was an advantage that the people should have abundance of local news. The press of America was decidedly a local press, and yet it had been stated by one of the witnesses last year that the newspapers of America were worth all the schools put together. The fact was, that they would never educate the people till they appealed to their interests through the newspaper press of the country. He knew it was said by some hon. Gentlemen, too, that if the stamp duty were repealed, it would tend to encourage the spread of republican doctrines in this country. It was his opinion, on the contrary, that if under a monarchy the people received all the blessings and advantages enjoyed under a republican Government, the result would be to make them more and more attached to a constitutional monarchy. He believed, as he had said, that all the three taxes now under discussion were bad; but there was one, in particular, which no wise Chancellor of the Exchequer should hesitate to remove, because its removal would benefit at once the commercial, the manufacturing, and agricultural classes. It was a small tax, but it pressed upon everybody in the country—he meant the advertisement duty—for while it only yielded about 150,000*l.* per annum to the revenue, it pressed upon every interest in the country. He hoped that if the right hon. Chancellor of the Exchequer meddled with it at all, he would take it off altogether. He had been long enough in Parliament to remember the removal by Lord Althorp of the duty on almanacks. In that instance, as in the instance of the advertisement duty, the revenue derived from the tax was very small; but the result of the abolition of all restrictions had been most salutary upon the public, the poorer classes now obtaining much better almanacks for threepence and sixpence, the prices under the old system being not less than a shilling or half-a-crown. For all these reasons he cordially supported the Motion of his right hon. Friend; believing that if, under our limited monarchy, we removed abuses such as those to which he had referred, we should not give rise to discontent, but should increase the contentment as well as the security of the people. In the words of Milton, "That is not the liberty which we should hope—that no grievance should ever arise in the commonwealth: that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost point of civil liberty attained which a wise man can look for."

Motion made, and Question proposed—

"That such financial arrangements ought to be made as will enable Parliament to dispense with the Duty on Paper."

The CHANCELLOR OF THE EXCHEQUER: Sir, in the few observations that I have to make upon this Motion, I can assure the right hon. Gentleman (Mr. M. Gibson) that neither I nor my Colleagues are at all influenced by those sinister feelings which he has ascribed to the originators of these duties. I can say frankly for myself and my Colleagues that we have no fear or apprehension of the influence of the press; and in a country like this—in a country long established in the enjoyment of political liberty—in a country eminently religious—I cannot admit for a moment that experience drawn from the instances of other lands, where the existence of an unrestricted press has resulted in circumstances which we all deplore—I cannot, I say, for one moment admit that these instances should be brought forward as any warning to a country like our own. But, Sir, I fear I must consider this case in a view much less interesting, much less philosophical, much less adapted to charm the House, than that which has been pursued by the right hon. Gentleman the Member for Manchester. It is only in a financial point of view that I can afford to view it at present. Sir, we have before us three propositions, each of which, if carried, affects the finances of this country, and which, if carried all together, would very materially affect our finances. The right hon. Gentleman, in an able and temperate address, first calls upon this House, if not immediately to express an opinion that the duty on paper should be abolished or repealed, yet to express such an opinion as must influence the course of the Minister responsible for the finances of the country. I do not wish to contest the accuracy of the view which the right hon. Gentleman has taken with respect to the effect of the excise duty on paper upon the manufacture of that article. I have never been particularly ready to vindicate the beneficial influence of excise duties; but when the right hon. Gentleman calls our attention to the injurious effects of the excise duty on the manufacture of this particular article, I am bound to say that I am not aware that the injurious effect of the excise duties is limited to that particular article, or even that if we compare the effect of these regulations upon paper, with their effect upon other articles, it would not be possible for me to adduce instances in which their influence is equally injurious. I do not now wish to enter into any discussion upon this question; but if I had risen, and had dilated upon the injurious effect of the excise upon any other article of manufacture—soap, for example—I dare say I should have made out a case that would have carried away the House with equal success, although the plea might not have been as ably urged as that which has been put forth by the right hon. Gentleman with regard to the manufacture of paper. But then we must consider whether in this country these taxes are not necessary evils, and we must consider the ability which we have to relieve the industry of the country, which is the wisest direction in which we can move, so as to redress any wrong, or to effect any good. I am not wishing to give any opinion in favour of the relief of soap from the excise. I merely mention it as an instance of the effect of excise duties; and I think the right hon. Gentleman will admit that the effects of an excise duty are not less injurious upon this manufacture, than upon that to which he has now directed the attention of the House. Well, Sir, I am therefore obliged to consider the question as regards the duty on paper purely in a financial point of view. I shall be extremely glad, in this instance, or in any other instance, to relieve industry, or to promote the education of the people; but it is my first duty to consider whether with regard to the maintenance of the revenue of this country I can consent to any propositions of this kind. I cannot say that I should feel justified in assenting to the proposition of the right hon. Gentleman. It is scarcely fair to me to press me at this moment upon this point. I hope that to-morrow week I shall place before the House what I believe to be the real state of the finances of the country; and when the right hon. Gentleman and his friends are in full possession of the facts which I shall place before them—when they have listened to the views of Her Majesty's Ministers—it will then be perfectly open to them, if they think themselves justified in disputing the policy which we recommend, to advance their own views as counter propositions, and fairly to challenge the attention of the House to them. At present I can only say that I do not feel justified in assenting to a vote which would be equivalent to a declaration on the part of this House that the tax on paper should be totally repealed. With regard to the other two points which the right hon. Gentleman has placed before the House, namely, the duties on advertisements and the stamps on newspapers, I have no hesitation in saying that I think they are subjects that deserve the consideration of a Chancellor of the Exchequer. But, again, I must consider them primarily with reference to the effect of the policy which is recommended upon the revenue of the country. That is the only consideration which can influence me at the present moment, and it is only with reference to the effect of the Resolutions, if carried, upon the revenue, that I shall venture to make any observations. The united amount of the two items to which I have last referred, is not contemptible; taking the three together the aggregate is important. I think that the question of the effect of the duty upon advertisements, is one which should be gravely considered. But I am not convinced by the ingenious observations of the right hon. Gentleman, that, practically speaking, were we to deal with the stamps on newspapers, we should bring about a satisfactory state of things. But, again, this subject, I freely admit, should enter into the consideration of any person responsible, not only for the finances but also for the good government of the country. I distinguish both these Motions—the second and third—very much from the first Motion on which we are now called to give a decision—the duty on paper. The duty on paper is so large in amount that every one must hesitate before voting for the surrender of that source of revenue; and I must warn hon. Gentlemen not to be carried away by the lively description given by the right hon. Gentleman as to the injurious effect of the excise law upon upon that particular article; and they are not to consider that it is the only one of our imports which produces such injurious results. If we are to relieve the industry of the country from the burden of those excise duties, it becomes a subject requiring the most impartial and deepest investigation before we decide which duty is the one most requiring to be repealed. The possibility of obtaining relief in this as well as in other instances, depends entirely upon the state of the public finances; and when in the course of a week I shall feel it my duty to place before the House the exact state of the finances, I am sure hon. Members will agree—however interesting discussion or debate may be—that there would be great inconvenience in coming now to a premature decision on any subject of this kind. I would remind the House of the conduct of the House of late years with regard to the public finances. Every one knows that for a considerable period there has been a determination upon the part of the House of Commons not to add to the revenue of the country by the imposition of new customs duties. If there has been any opinion more freely expressed or more energetically maintained than another, it certainly has been that expressed by the majority of this House, who oppose any increase of revenue in that direction. Having made war upon the Customs duties, which materially sustained our finances, now there is a very great objection to the Excise. We have now a great war made against the Excise duties; you have attacked successfully one great source of our indirect taxation, and you are now attacking another source of our indirect taxation. But what is our position in regard to direct taxation? We have a Committee sitting upstairs which is actually assailing the principal source of our direct taxation. Whatever may be the opinions of the Gentlemen who form that Committee, it is notorious, both from the expressed opinions of the hon. Gentleman who moved and carried the appointment of that Committee, and of the most important Members upon it, that whatever may be their opinions respecting direct taxation, they disapprove of the principles on which direct taxation at present is levied in this country. They may tell you that they are favourable to direct taxation, but it must be direct taxation without exemptions, and free from every objection which they allege against it. This is our present state—we have reduced one great source of indirect taxation by the repeal of many of the customs duties—we are now attacking another source of indirect taxation by Motions like the present, affecting our excise duties, while the principles upon which direct taxation can be satisfactorily established are still subjects of controversy, and are even at this moment under the discussion and investigation of a Parliamentary Committee up stairs. Now, I ask the House candidly and fairly to consider whether that is a satisfactory state of the finances of the country? Is it not wise to pause before you diminish the revenue which you derive from your indirect taxation, until the House and the country have arrived at a knowledge of the proper principles upon which our direct taxation is to be established? Can anything be more injurious, can anything be more unwise, can anything be more rash, than to diminish the sources of your indirect taxation, when at the same time you are challenging the principle upon which many sources of your direct taxation is now established? I put that view with great confidence for the consideration of the House. The right hon. Gentleman taunts me for having but two years ago supported a Motion like the present. If the House will do me the honour to refer to the few observations which I made on that occasion, I am sure it will also do me the justice to say that those observations vindicated the vote I then gave. I do not like to refer to personal considerations, or to introduce them into this debate; but as my vote on that occasion has been referred to, I beg the House will do me the favour to refer to the circumstances under which I gave that vote. The House was informed from the Throne that a great productive interest in the country was suffering—an interest which I and those I generally acted with in this House were supposed to represent. We thought there should be such a remission of taxation as would relieve the suffering of that particular interest; but the Minister of that day, in the possession of a surplus, said he would neither apply any portion of that surplus to the relief of that interest, or, on the other hand, to the diminution of the public debt, which, by a consequent diminution of general taxation, would be a source of general relief; but, on the contrary, would apply the surplus to purposes I did not approve of, and in a manner which I thought was unjust and impolitic; and all I meant in the vote which I gave on the Motion of the right hon. Gentleman, and in the discussion that took place was this: That if there was to be a remission of taxation which would neither relieve the particular interest announced from the Throne to be suffering, nor relieve the general interest by diminishing the general taxation of the country by reducing the debt, then I preferred the Motion of the right hon. Gentleman to the policy of the Government. I preferred to promote the general interests of the country by the remission of the duty on paper, or by the repeal of the duty on advertisements, or by the abolition of the newspaper stamps, than by the means which were then recommended by Her Majesty's Government. I do not see that a position more fair could be taken by any Member of this House; and from the recollection of which, I can assure the House I experience no regret. I cannot enter into the interesting details with which the right hon. Gentleman has again favoured us as he did two years ago. I am not here to dispute his facts, or to challenge his conclusions; but I cannot permit myself, in the present state of affairs, to view the matter in connexion with the social condition of the country which the right hon. Gentleman has dwelt upon, or the political consequences which he so much fears. I must take a much more uninteresting view of the subject, and a more limited and narrow-minded one—one confined merely to the effect of the Motion of the right hon. Gentleman upon the present state of our revenue. The right hon. Gentleman has brought forward a Motion which, if agreed to, would reduce the revenue by a sum now approaching to nearly 1,500,000*l.*; because all the items to which he has referred are on the increase. I do not of course pretend to give the accurate figures; but I wish to observe that the Minister of Finance may look to an increase of the revenue received under the three heads to which the right hon. Gentleman's Motion has reference. The right hon. Gentleman has asked the House to assent to a Motion of very great importance. In a week, as I have previously stated, it will be my duty to place before the House the exact state of the finances of the country; and I think I am not asking too much when I call upon the House to permit me to place before them the first financial statement which I shall have the honour to submit for their consideration, and which I shall submit to them in a few days, without the burden and incumbrance of the House assenting to a Vote such as that which the right hon. Gentleman has now brought forward. Sir, I do not think that it is an unreasonable proposition. I cannot think that the House will sanction, under the circumstances, the Motion of the right hon. Gentleman; and it is with this feeling—limiting my consideration of this Motion, in the present instance, merely and strictly to its financial effect upon the revenue of the country—offering on this occasion no opinion on those wider questions to which, under the circumstances in which the right hon. Gentleman spoke, no doubt he was justified in calling the attention of the House—but desiring to place before the House of Commons, on next Friday, without any of the embarrassment which I must experience from a Vote like the present, a clear and undisguised statement of our financial position, I feel it my duty, Sir, to oppose the Motion of the right hon. Gentleman.

Mr. WAKLEY said, he would not detain the House at any length. He had always taken a deep interest in this question, and was anxious as to the conclusion to which the House would come. He had heard all the previous discussions on the subject, except one; and he would do his right hon. Friend (Mr. M. Gibson) the justice to say, that a clearer or more unanswerable statement than that which he had made that evening, he (Mr. Wakley) had never had the good fortune to listen to. He must also say, that the manner in which the right hon. Gentleman the Chancellor of the Exchequer had treated the Motion, had also afforded him infinite satisfaction. The right hon. Gentleman had made the right hon. Member for Manchester a kind and reasonable proposal. He had asked that this subject should not be considered until after he (the Chancellor of the Exchequer) had made his financial statement. Under such circumstances, he (Mr. Wakley) did not think that this debate could be prolonged with advantage to any one. He trusted, therefore, that his right hon. Friend would at once agree to the proposal of the right hon. Chancellor of the Exchequer, and that the House would assent to the adjournment of the debate until that day fortnight.

Mr. COBDEN: Sir, I beg to second that Motion. That I consider will be the best course to take. But I do not see that there is any reason why we still should not enforce the points of this question upon the attention of the House. I have been sitting upstairs upon a Select Committee of this House to inquire into the state of education; and from the evidence there given, I have felt very strongly that there is an almost insuperable difficulty in our way, as respects the education of the people, under these taxes on knowledge. These taxes are destructive to the real education of the people—their education by themselves. I was prepared with one fact illustrating this subject, furnished by a gentleman who has taken great pains to produce works calculated for the improvement of the working classes—I mean Mr. John Cassell. This gentleman publishes an illustrated weekly work at 2*d.*, containing some admirable wood cuts. He produces the *Popular Educator*, a work to enable people to educate themselves. He also produces the *Working Man's Friend* at 1*d.*; the *Library for the Working Classes;* and the paper duty alone paid by him, for the paper on which these publications are printed, amounts to about 4,000*l.* a year. Now for this House to pretend to an anxiety to educate the people, and to allege that it had appointed a Select Committee to consider how they could best administer the public funds for the education of the people, while it retains such taxes as those on the circulation of the means of obtaining knowledge, is just to place us all before the civilised world in the position of arrant hypocrites. On the question of the newspaper stamp, I cannot agree with the right hon. Gentleman the Chancellor of the Exchequer, that the consideration is the fiscal consideration, whether we are to give up a revenue. I cannot satisfy myself that the transfer of the stamp to postage would affect the revenue very greatly. I can't see, if you compelled every newspaper to pay 1*d.* each for postage before it could be carried through the Post Office, that you would get very much less than 350,000*l.*; and, at all events, it is certain that you would in that way get a very considerable revenue, as a set-off against the loss on the stamps. The penny stamp is a stamp impeding the communication of modern history; for the facts, the news, of the newspapers, are the facts which interest and affect and govern us all, and that stamp is the greatest obstacle to intelligence in this country. That stamp shuts out the newspaper altogether from large masses of the people. Take the rural population. Hon. Gentlemen will admit that it would be of the greatest advantage if you could get the people in the country places to interest themselves in the questions of labour, of wages, and of employment, and to be eager for information on the question of emigration, on the prices of land in foreign countries, and in the colonies. Every one will admit that if you could get the newspapers supplying such practically useful information into the villages and small hamlets, and into the families of labourers, a very good effect would be produced by awakening curiosity and in stimulating the agricultural population to think of exertions, and in inducing them to look to the world beyond their own district, and so to emigrate in many cases to places where they could find the best rewards for their labour. In fact, if you could bring about this, you would contribute more directly than in any other manner you could devise to the diminution of the rates that now press upon your rural population. As it is, your agricultural mind, as regards all these matters I refer to, is as much a blank as it was in the days of our Saxon forefathers. Do you want proofs of this? Look to the circumstances in connexion with that deplorable catastrophe—the loss of the *Amazon* steamer. I am informed that the Committee which was formed for the relief of the relatives of the sailors and others drowned or burned in the *Amazon*, found the most perplexing difficulty in getting at the friends of those unhappy men: and they actually had to look out for these people, many of whom had never heard of the loss of the steamer. Now why? Because these people had never read a newspaper. Such people cannot afford to pay for the high-priced English papers, and so they never get any news at all, and are consequently shut out from the current events of the day. I do hope that the right hon. Gentleman the Chancellor of the Exchequer and the Government are prepared to deal boldly and justly with this question; and I am quite sure that if they will consent to give up these taxes, they will secure to themselves a greater popularity than they would get by anything else it is in their power to do. I must bear testimony to the fact, that in the Committee which sat last Session on this subject, I was greatly pleased with the conduct of the hon. Member for the University of Dublin (Mr. G. A. Hamilton), who is now a Member of the Government, and whose fair conduct towards this question rendered us deeply indebted to him. If the hon. Gentleman's spirit is at all general among his Colleagues, I think that we may really hope for something from the present Government. I expect to find to-morrow week that the Government will deal in a liberal spirit with the question; and, speaking for myself, I may say that I will receive a measure on the subject from their hands with as much cordiality as I would accept it from the hands of any other Government.

The ATTORNEY GENERAL: I wish to make one or two remarks in explanation of my conduct, which has been spoken of by the right hon. Gentleman (Mr. M. Gibson) in reference to the *Household Words*. [Mr. M. GIBSON: The *Household Narrative.*] I beg to thank the right hon. Gentleman for setting me right. The right hon. Gentleman must be aware that the information against the *Household Narrative* was filed by my predecessor in office. It was insisted that it was a newspaper, and liable to stamp duty, and the matter was discussed in the Court of Exchequer. The Judges differed upon the question, there being three to one in favour of the exemption of the publication in question. The late Attorney General and Solicitor General had the subject submitted to them for consideration, and it was also submitted to the leading counsel of the department of the Stamps and Taxes, and they were all of opinion that the judgment of Baron Parke was a more correct judgment than the judgment of the majority of the Court. When I came into office, the case was laid before me and the Solicitor General, with the opinions of our predecessors, and we were called upon to decide as to the course that was to be pursued. Without entertaining a very strong opinion one way or other, we felt it was essential that the law should not be left in the uncertain or unsatisfactory state in which it was, and that it was desirable to obtain the judgment of a superior tribunal. Under these circumstances we recommended that a writ of error should be issued, and the opinion of the Court of Error taken on the question. On reflection, I cannot feel that I have acted otherwise than with a due regard to the interests of the public, and with an earnest desire that this important question should be definitively settled. In answer to the remark of the right hon. Gentleman, I will add that no prosecutions have been instituted with respect to certain other publications, and I beg to say that I never before heard of the majority of them, and that I have never seen any of them.

MR. COWAN wished to ask the right hon. Gentleman the Chancellor of the Exchequer, in the event of the adjournment being carried, whether the objection formerly made to the discussions of questions of finance, with a view to the repeal of taxes, after the statement of the Budget, would be repeated on this occasion?

The CHANCELLOR OF THE EXCHEQUER: If the hon. Gentleman wishes me to tell him what I intend to do on Friday next, I beg to say that I cannot do so.

MR. MILNER GIBSON said, he had been informed, not having been in the House at the time, that the right hon. Gentleman the Chancellor of the Exchequer had stated that the advertisement and stamp duties were under the consideration of the Government. Under these circumstances he freely consented to the adjournment of the debate until Wednesday, the 12th of May next.

The CHANCELLOR OF THE EXCHEQUER: Sir, I am sorry there should be any misunderstanding on the part of the right hon. Gentleman with respect to anything I said. So long as I have the conduct of the House, I should be very much annoyed if any deception had taken place. I should not wish the right hon. Gentleman, or any of his Friends, to think that the question is under the consideration of the Government at all with reference to his Motion, or more specifically than it is the duty of the Government to consider the taxation of the country on all its branches; in that way the consideration of those taxes of course is not omitted. No statement has been made by me to lead him to suppose that it is under more particular consideration; the proposition for adjournment did not come from this side. I proposed no terms. I merely stated that on to-morrow week I shall make the financial statement.

MR. HUME said, he thought it would not have been in accordance with custom if the right hon. Gentleman the Chancellor of the Exchequer had given any particular pledges on the subject of taxation; but he (Mr. Hume) hoped and trusted that the Government would seriously consider this question. He had attended the noble Lord late at the head of the Government as one of a numerous deputation—composed of fifty or sixty individuals—of men engaged in the manufacture of paper and its uses for all purposes, all of whom desired the abolition of the Act by which these duties were imposed. To that deputation the noble Lord replied that he did not regard the Act of Parliament as a means of providing punishment for blasphemous publications, but in a financial point of view. What that deputation wanted, also, was that every publication should be treated alike, and that the privilege conceded to forty-five papers, the numbers of which for local circulation were allowed to be unstamped, should be extended to all alike. All newspapers ought to be placed in one category. The difference which would ensue in the returns of the Post Office would be most trifling, and quite unworthy the attention of the Government. No reason could be assigned by the Board of Stamps for the exemption of those forty-five papers. He hoped the right hon. Gentleman had not forgotten the statement of a noble Lord, now in the Government, who declared that he considered the newspapers the great public instructors. The right hon. Gentleman ought not to allow any tax to exist contravening and opposing that great object—the education of the people—which the noble Lord and the Government itself had declared that it wished to promote. He begged to call the attention of the House to a paper that had been established in Norwich for the instruction of the neighbouring population. He (Mr. Hume) thought Norfolk was as much benighted as any county in the kingdom. A weaver published the paper to which he had adverted, with a fair desire to benefit his fellow men; but in stepped the Tax Office and said he should not publish it without a stamp. In no one point of view, whether educational, moral, or financial, could these taxes be justified. Let the House look at the difference in the circulation of newspapers in the United Kingdom and the United States. In 1850 the whole number of newspapers and periodicals in the United States was 2,600; their aggregate circulation was about 5,000,000, the entire number of copies printed being 422,600,000. There was one publication for every 7,161 free inhabitants. In Great Britain the number of newspapers and periodicals was 603, giving only one newspaper for every 12,000 of the inhabitants. In the United States there were about 250 daily newspapers. In England the agricultural population were unhappily most ignorant, certainly not equal in education to their brethren in the manufacturing districts. In the agricultural counties the immorality and crime were greater than in the manufacturing districts. The best and cheapest means of assisting their education, would be by cheap and good newspapers. In a moral, educational, financial, nay, and even in an agricultural point of view, it was extremely desirous that the Government should consider the question. The adjournment of the debate would give the Government an opportunity to do so.

Mr. MOWATT understood that the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) had accepted the Amendment which had been moved by the hon. Member for Finsbury (Mr. Wakley). If so, it was not for him (Mr. Mowatt) to interfere between the right hon. Gentleman and such a proposition. He would, however, say that he regretted that the right hon. Gentleman had adopted that course. He thought it would have been better if the right hon. Gentleman had gone to a division, because, if he might judge from what had taken place on former discussions on this subject, he thought that the hands of the Government would, in fact, have been strengthened by giving them an opportunity to put an end to this injurious tax. His chief object in rising, however, was to express a hope that this adjournment had not been moved with the view of getting rid of the question. He wanted a clear understanding upon that subject. He hoped it was clearly understood that if this tax should not be disposed of by the Budget, this debate would be really resumed on the day to which it had been proposed to adjourn it.

Mr. FREWEN thought the present was not the proper time to call upon the Government to repeal a tax of any description, and no Member of the House was more justified in saying so than he was. A month ago he had a notice upon the paper, which had stood there from the commencement of the Session, with regard to the Hop Duty, a tax which pressed heavily upon his constituents. But what was the course he felt bound to take upon that question? Just before coming down to the House to bring it forward, he received a copy of a resolution which had been unanimously agreed to by an influential committee of gentlemen in Sussex, formed to promote the repeal of the Hop Duty, in which they stated that however anxious they might be to get rid of the tax, yet considering that Ministers had but recently come into office, and had not had time to mature their financial arrangements, it would not be fair to press that subject upon the attention of Parliament then. He (Mr. Frewen) hesitated not to act upon the recommendation, and withdrew his Motion accordingly; and he thought it would be well if Gentlemen connected with the newspapers and the manufacture of paper were to follow his example.

Debate *adjourned* till *Wednesday*, 12th May.

The House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Friday, April 23, 1852.

MINUTES.] PUBLIC BILL.—1ª Linen, &c. Manufactures (Ireland).

CASE OF JOTEE PERSHAUD.

LORD **BROUGHAM** said, that a charge had last year been made in that House in respect of the conduct of certain civil servants of the East India Government towards an army contractor in that country, of the name of Jotee Pershaud. He had at that time promised the noble Earl by whom the complaint was brought forward (the Earl of Ellenborough), that an inquiry should be instituted into the case under the direction of the Governor General; and he had been informed that within the last few days the papers connected with the investigation had reached the India House and the Board of Control. When their Lordships considered the nature of these charges, and the authority upon which they had been made, he was sure they would feel that it would be but just to those who had been subjected to such charges that those papers should be laid before Parliament. He understood that there would be no objection on the part of the right hon. Gentleman the President of the Board of Control, or on the part of Her Majesty's Government, to their production; and he should, therefore, content himself at that moment with moving that they should be laid before Parliament. The noble Lord, therefore, moved—

> "That there be laid before the House Copies of the Correspondence between the Court of East India Directors and the Government of India, relative to the trial of Jotee Pershaud, and to the conduct of certain members of the Indian service connected with that proceeding."

The EARL of **ELLENBOROUGH** said, he thought the Motion a perfectly proper one.

The EARL of **DERBY** said, that he had not himself had an opportunity of looking over those papers; but as he understood from his right hon. Friend the President of the Board of Control that there could be no objection to their production, he was ready to accede to the Motion.

Motion agreed to. Papers ordered to be laid before the House.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 23, 1852.

MINUTES.] PUBLIC BILLS.—1° Highway Rates; Ecclesiastical Jurisdiction.

3° Sheep, &c. Contagious Disorders Prevention; Poor Relief Act Continuance; Exchequer Bills (17,742,800*l.*)

MAYNOOTH.

SIR **JOHN DUCKWORTH** wished to put a question to his hon. Friend the Member for North Warwickshire (Mr. Spooner), who had given notice of Motion in reference to an inquiry into the system of education pursued at Maynooth College. That Motion had been postponed from time to time for reasons which had been stated by his hon. Friend. It had been fixed to be brought forward on the 4th of May; but he (Sir J. Duckworth) observed by the notice paper that it was again postponed for a few days. He begged to ask his hon. Friend why he had postponed his Motion on a subject on which so strong a feeling existed throughout the country, and whether or not it was positively his intention to bring it forward on the day for which it was now fixed?

MR. **SPOONER** thanked his hon. Friend the Member for Exeter for giving him the opportunity of stating his reason for postponing his Motion from the 4th to the 11th of May. That Motion now stood first on the list for the latter day; and he had been induced to postpone it in order to put an end to any uncertainty that might exist about his being able to bring it forward on the earlier day, owing to its not occupying the first place on the list of Motions. So far as anything human was certain, his hon. Friend might be assured that he would bring forward his Motion on the 11th of May.

MR. **ANSTEY** wished to put a question to the hon. Member for North Warwickshire on the same subject. The Motion of the hon. Member, which was now fixed for the 11th of May, was for a Committee of Inquiry into the course of education at the College of Maynooth. On the 10th of February the hon. Member had given notice that he would move the House on the subject of the grant to Maynooth, as distinct from that of the system of education carried on there. No day had been fixed for that Motion before Easter; but on the list of business unappropriated to come on after Easter, he (Mr. Anstey) found still under the name of the hon. Member these words, "Maynooth grant—early day after Easter." The hon. Member had now fixed a day for his Motion for an inquiry into the system of education at Maynooth; and he (Mr. Anstey) wished to ask him on what day, if at all, he intended to move for a repeal of the grant to Maynooth College, or if he had abandoned his expressed intention to move for a repeal of that grant?

MR. SPOONER observed, that the hon. Member was totally mistaken if he supposed that he (Mr. Spooner) had ever expressed an intention to move for the repeal of the grant to Maynooth. The facts of the case were these: Early in February he had given notice that he should bring forward a Motion relative to Maynooth College, and he had stated that the precise nature of that Motion he would enter on the books before the Motion came on. He had fulfilled his promise by stating that his Motion would be one to inquire into the system of education carried on at Maynooth. How the original entry came to be continued on the list, he really did not know; it was not done by his direction, and he had nothing to do with it. When he had observed it, he called the attention of the officer of the House to it, and he thought that it had been by this time removed. But he never did intend to move for the repeal of the grant to Maynooth until the subject had been inquired into, because the grant being ratified by Act of Parliament, he had thought it incumbent on him to make out a case before proposing that it should be withdrawn, and he could not do so before moving for a Select Committee of Inquiry. To that object he adhered, and he had no intention of making any Motion at present relative to the repeal of the grant to Maynooth.

FOREIGN TARIFFS.

MR. NEWDEGATE complained of the non-existence of a compendious account of the tariffs of foreign countries. He wished to know from the right hon. Gentleman the President of the Board of Trade whether the Government were in possession of information derived from the Consuls or diplomatic agents of this country on service abroad, or had from other reliable sources, and would furnish to that House, information, in continuation of that afforded by a Return to an Address, which was ordered to be printed on the 31st of March, 1848, and further, in continuation and correction of a Return to an Address which was ordered to be printed on the 17th of July, 1850; which returns purported to show the alterations that had of late years been made in the terms upon which goods and merchandise were imported into, and exported from, foreign countries and the British possessions; and if the Government were not in possession of such information, whether they would renew the instructions given by the late Government for the collection of such information, or adopt any other means for procuring it, and whether they would furnish that information, when obtained, in an available form to the House?

MR. HENLEY said, that the question which had been put to him was one of considerable extent, and of no less importance. There had been collected in the Office of the Board of Trade a great mass of information relating to the tariffs of foreign countries, and the officers of that department were now engaged in putting it into an available form. These returns had been received from the United States, Prussia, Portugal, Greece, Spain, Sicily, Norway, Sweden, Denmark, Belgium, and other countries; and they formed so considerable a bulk that he had thought it necessary to give directions to have some estimate made of the probable expense of publishing them. When the estimate had been made, it would be for the House to say whether it would be more advisable that those documents should remain in the offices of the Board of Trade for any one who pleased to examine them there; or whether they should be printed for the use of the public?

MR. NEWDEGATE inquired if the Board of Trade would furnish him with returns of foreign traffic in a similar form to two other returns which he had before obtained?

MR. HENLEY was understood to say that there could be no difficulty in complying with the request of the hon. Gentleman.

COLONEL OUTRAM.

On Motion that the House, at its rising, adjourn to Monday next being put,

SIR JAMES HOGG craved the indulgence of the House, in order that he might give a personal explanation in respect to something which passed in the India debate on Monday last. He craved this indulgence, not merely on his own behalf, but also on behalf of a gallant and distinguished officer, whose name was prominently mentioned in the course of that debate, namely, Colonel Outram. Perhaps he should best discharge his duty by asking permission to read a note which he had received from that gallant officer; though, in reading it, he must, in order not to violate the forms of the House, alter a little the phraseology. The note, which was addresssed to himself, was to the following purport:—

> "On perusing a speech delivered in a discussion on Monday last, I observe that my name is brought forward in apparent connexion with certain statements impugning the honour and integrity of high official personages in the Bombay Government. Although I do not believe that those who are acquainted with my public or private character will imagine that such statements could have emanated from me, yet, at the same time, in my peculiar position, I deem it right to state most explicitly that no person had any authority from me to make such statements, and that I have had no personal communication with any one. On my arrival in England, I was informed by a friend that notice had been given for the production of the papers connected with my dismissal from office. In reply, I declared that I should be very glad to see all the documents laid before the public, as I was anxious that the facts of the case should be publicly known; but that, as a servant of the East India Company, I had forwarded a memorial to the Court of Directors through the proper channel, and relied on them to afford me the redress to which I considered myself entitled; that I could not therefore take any part in bringing the question before the public. I need scarcely explain to you, Sir, who have had access to all the official documents, that the statements made, casting imputations on the personal honour and integrity of Members of the Bombay Government, have no foundation in anything I have written. I was made aware, during my official career at Baroda, that a belief existed that the high officers of Government were open to corruption, and that such belief was promoted by the native subordinates for their own interested purposes. Fully convinced there were no grounds for such dishonouring imputations, I laboured earnestly to trace out and bring to punishment the delinquents through whose corruption the good name of the British Government was tarnished. But it is not necessary to enter into any further particulars, my only object being to disclaim any participation in or connexion with the statements to which I have alluded."

He should not trouble the House with any statement from himself in addition. The House was aware that this gallant and distinguished officer had been removed by the Bombay Government from the high office he held; but however sensitive the gallant officer might feel on that point, he was anxious that, having been so removed, he should not be supposed capable of casting dishonourable imputations on the Government which removed him. The gallant officer did not offer, or presume to offer, an opinion as to any allegations made, his sole desire being that it should be known in that House and in India, to which he might soon return, that he was not identified or mixed up with those allegations. He (Sir J. Hogg) thought it right to add from himself, that the hon. and learned Gentleman (Mr. Anstey), to whom Colonel Outram's letter referred, had not stated that he made those allegations on the authority of the gallant officer; but any one who heard or read the debate could not fail to come to the conclusion that the statements were made on the authority of Colonel Outram. He yesterday acquainted the hon. and learned Gentleman with the communication he had received, feeling perfectly satisfied that if any misapprehension existed, which might be painful or injurious to the gallant officer, nobody would be more anxious for an opportunity of explanation than the hon. and learned Gentleman himself.

MR. CHISHOLM ANSTEY said, that the concluding observations of the hon. Baronet precluded the necessity of his stating that he (Mr. Anstey) was the person alluded to in the ambiguous passage referring to Colonel Outram. In the first place, he (Mr. Anstey) did not know by what right anybody could call upon him to disavow what he had never said. He had never said, and had never meant to say, that Colonel Outram had directed or requested him to make any accusation whatever. He (Mr. Anstey) was not the man to shrink from his own responsibility. He had made the allegation on his own responsibility, and on the responsibility of nobody else; and as to Colonel Outram, he had expressly stated that in this matter that gallant officer had not acted as an accuser or even as a volunteer. He (Mr. Anstey) had read the circular which Colonel Outram received from the Bombay Government, calling upon him to institute that inquiry which he did institute, and for instituting which he was removed. He (Mr. Anstey) had said that the gallant officer had acted in complete subordination to the officer he served under; and indeed his complaint had always been that Colonel Outram had been dismissed for obeying orders. But if it were intended that he (Mr. Anstey) should disavow all communication whatever with Colonel Outram, then he had letters to read to the House which rendered it impossible that he could make such a disavowal. He (Mr. Anstey) had not acted in this matter altogether without authority. He said that after the manner in which he had been treated—after the complete disavowal which Colonel Outram had been pleased to make of him and his proceedings—and that, be it observed, without his having had the courtesy to make any previous communication to him—he (Mr. Anstey) felt justified in saying that he held in his hand a letter in partial compliance with which he had acted in bringing Colonel Outram's case before Parliament. That letter was dated the 30th of March, 1852, and came from a gentleman who professed to act for Colonel Outram himself. He said—

> "Mr. Hamilton Browne has the honour to present his compliments to Mr. Anstey. Captain Osborne has just told H. B. that he might make use of his name in writing to Mr. Anstey. Colonel Outram, C.B., late political resident at Baroda, who has just come home, for exposing a very flagrant case of corruption has been superseded. H. B. would feel greatly obliged by Mr. Anstey moving immediately, if possible, for the production of the papers in this difference between Colonel O. and the Bombay Government; and the public, when they are produced, can then form its judgment on the merits of the matter. H. B. has written to Lord Brougham, begging him to do the same in the House of Lords."

Shortly after receiving this letter, he (Mr. Anstey) wrote to say that he would take up Colonel Outram's case. In the mean time, Mr. Browne, who appeared impatient to begin proceedings, had written a letter to the hon. Member for Dunfermline, which was almost a duplicate of the one he (Mr. Anstey) had read. It was as follows:—

> "Mr. Hamilton Browne applied to Captain Osborne to move for the production of the papers in the case of 'Colonel Outram, C.B., *v.* the Bombay Government.' Captain Osborne said that he had so much to do that he might forget it; but that Mr. Hamilton Browne might write to a friend of his, Mr. Anstey, who took a particular interest in Indian affairs, making use of his name. Mr. Hamilton Browne did so, but has not been honoured by any answer, although Captain Osborne stated that he might make use of his name with Mr. Anstey, with whom Mr. Hamilton Browne has not the pleasure to be acquainted. Colonel Outram accuses no one, nor does he wish to do so; but on the production of the papers he leaves the public to judge for themselves. Should, however, Mr. Anstey, or any other gentleman moving for these papers, wish to see Colonel Outram, Mr. Hamilton Browne will have much pleasure in introducing him to them. H. B. did not know the etiquette or rule in such matters, otherwise he would have adhered to it."

Upon receiving this, he (Mr. Anstey) wrote in answer to say that he would move for the production of the papers, and that he should be happy to call on Colonel Outram, as proposed. He received a reply from Mr. Browne, enclosing a letter he had received from Colonel Outram. Mr. Browne's reply was as follows:—

> "Mr. Hamilton Browne has the honour to present his compliments to Mr. Anstey, and again to return him his best thanks for bringing forward the Motion for the production of the papers in Colonel Outram's case. H. B. asked this favour to oblige his brother, Brigadier W. J. Browne, C.B., who commands the troops at Baroda. All that Colonel O. required was, H. B. presumes, that the papers should be moved for, and that the case should then rest with the public, after their production, on its own merits. H. B. begs leave confidentially to enclose a note from Colonel O., just received, which will explain the matter, which he begs Mr. Anstey will have the goodness to return."

He (Mr. Anstey) did return Colonel Outram's letter, as requested, and, because of that one word "confidentially," he would say nothing with regard to its contents beyond the fact that it was addressed to Mr. Hamilton Browne, and that it justified him (Mr. Anstey) in proceeding with the case on his own responsibility as he had done, without stating or implying in the remotest degree anything that could compromise Colonel Outram in the statement he made to that House. (He Mr. Anstey) had now to add, that after the hon. Baronet (Sir J. W. Hogg) had arranged with him that these explanations should be brought on that day, he (Mr. Anstey) saw for the first time in his life the gentleman from whom he had received that letter. That gentleman waited upon him to ask for an interview, and stated that he deeply regretted Colonel Outram's conduct, and that he thought that Colonel Outram had better have written to him (Mr. Anstey) than to the hon. Baronet; and he (Mr. Anstey) replied that he would make use of all the correspondence, if the matter was brought forward at all—that he (Mr. Anstey) considered he had been dealt with in a manner that was neither just nor generous by Colonel Outram—and that if he pursued the question further in his place in Parliament it would be out of tender consideration for the natives and for the honour of the Government of India, but not at all out of any consideration for Colonel Outram himself. Nevertheless, he (Mr. Anstey) would be happy to withdraw everything that he had said either in favour of that gallant officer, or against him, if it in any way tended to disturb the compromise of claims which appeared to have taken place between him and the Court of Directors.

Sir JAMES HOGG said, he held in his hand a letter addressed by Colonel

Outram to Mr. Browne, and which the hon. and learned Gentleman was under the impression had given him authority to make the statement to which he had referred. It was to this effect:—

> "My dear Sir—I was absent from home all day yesterday, and when I got your note on my return it was too late to communicate with you. From the tenour of Mr. Anstey's note, which you enclosed, I fear he must have supposed that I desired personally to intrude on him; but I hope you will recollect that though I expressed that I should be gratified if the papers relating to my affair were called for and obtained, I at the same time said I could not myself take any steps to cause their production, and that I was particularly anxious to avoid personally agitating in the matter. Under these circumstances, I should have caused unnecessary trouble to Mr. Anstey in seeking a meeting with that gentleman; but under the circumstances the delay in receiving your note prevented the possibility of my responding to his invitation. I am greatly obliged to you for the trouble you have kindly taken on my behalf, and hope, if you have an opportunity, you will kindly add to my obligations by explaining to Mr. Anstey how I was prevented from attending to his summons yesterday. — Yours very sincerely, "J. OUTRAM.
>
> "Tuesday."

MR. WAKLEY said, the hon. Baronet seemed to be sorry that the hon. and learned Member for Youghal had not, for his own sake, withdrawn what he had stated; but he begged to ask whether Colonel Outram did in any respect deny the accuracy of the allegations which the hon. and learned Gentleman made in his statement to the House; and, if not, he should like to know whether the hon. Baronet considered he had gained anything by bringing this question before the House?

MR. CHISHOLM ANSTEY said, the letter which the hon. Baronet had just read was not written in answer to any offer of his (Mr. Anstey's), but in answer to Mr. Browne's offer to procure an interview between him and Colonel Outram; and his (Mr. Anstey's) letter was to the effect that he would save Colonel Outram the trouble of seeking him, for he would call on that gallant officer himself.

Motion *agreed to.*

MILITIA BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR DE LACY EVANS moved that the Bill be read a second time that day three months. The hon. and gallant Member stated that the intention of the Bill no doubt was to place the national defences in a more satisfactory condition than they were in at present; and that intention he did not wish to oppose. The late Government as well as the present had distinctly stated their opinion that some measure with this view should be adopted; but great authorities, both naval and military, had expressed opposite opinions on the question; and it must therefore be conceded that the absolute necessity of a Bill like that before the House was at least involved in considerable uncertainty. At the same time he, for one, did not object to the object of the Bill; his objection rather being that he did not think it was calculated to effect its own object. He confessed, however, that if they were to have any Bill at all, he should have preferred the Bill of the late Government to the present; and he greatly regretted that the present Government had not contented themselves with taking up the Bill of their predecessors. There was an important difference between the two measures. The former, instead of rewarding the volunteer with a bounty, allowed his volunteering to count for a year's service, and, in the second place, did not withdraw a man from his locality; while the present Bill obliged him to serve in any part of the Kingdom. Moreover, in the ballot as first proposed, allowance was made for the police and civil force, which, of course, greatly diminished the chances of being drawn. The former Bill also went to encourage the enrolment of volunteer corps; and he was quite at a loss to understand the cause of the decided discouragement which the present Government gave to such corps. He could see nothing in the present state of affairs likely to lead to a rupture of the existing peace, or to a dangerous alteration in the international relations of this country and those of the Continent. The cost of the militia was estimated at 400,000*l.*, while the statement originally made by the noble Lord at the head of the late Government was 200,000*l.*; but he (Sir De L. Evans) thought that they could place no reliance upon the sum of even 400,000*l.* being sufficient. Supposing that 50,000 men were levied for the militia, 6*l.* per man would require a sum of 300,000*l.*; and was it probable that 100,000*l.* would defray the charge of clothing, arming, paying, and the machinery connected with the raising of the men? Dr. Adam Smith wrote thus:—

> "When a civilised nation depends for its defence upon a militia, it is at all times exposed to be conquered by any barbarous nation which happens to be in its neighbourhood. It is only by means, therefore, of a standing army that the civi-

lisation of any country can be perpetuated or preserved for any considerable time."

He had stated that he was anxious not to oppose the augmentation of the defences of the country, and he thought he could suggest a mode of increasing the effective force without adding to the estimates. He thought that if we were to have a militia at all it should be of limited numbers, and thoroughly disciplined, so as to approximate in steadiness and efficiency as much as possible to the regular troops. The most practicable, most effective, and most economical means for placing our military armament at home on a satisfactory footing for defence, would be to concentrate at home the troops which were now worse than uselessly spread over our Colonies. As the late Secretary for the Colonies had recently suggested, make some arrangement by which the Colonies could be induced to organise local forces for their own defence. The hon. Gentleman had added his opinion that if our defences must be increased—

> "The question was whether it would not be better to make that increased provision by adding a small number of disciplined soldiers to the regular army, rather than by raising a large number of undisciplined troops, who, he believed, never could be made part of the organised and effective forces of the country. He believed it would be impossible to withdraw 80,000 men from the pursuits of trade without great derangement."

However this might be, it was certain that the withdrawal, more or less, of our troops from those foreign possessions and colonies where they were not needed, would furnish a most efficient augmentation of the military force for the home defence of the country. He would quote some authoritative opinions as to not merely the safety, but expediency, of such a withdrawal of superabundant troops from our Colonies. In a despatch to Lord Elgin, in March, 1851, Earl Grey said—

> "Canada (in common with the other British provinces in North America) now possesses in the most ample and complete manner in which it is possible that she should enjoy it, the advantage of self-government in all that relates to her internal affairs. It appears to Her Majesty's Government that this advantage ought to carry with it corresponding responsibilities, and that the time is now come when the people of Canada must be called upon to take upon themselves a larger share than they have hitherto done of expenses which are incurred on this account, and for their advantage. Of these expenses by far the heaviest charge which falls upon this country is that incurred for the military protection of the province. Looking to the rapid progress which Canada is now making in wealth and population, and to the prosperity which she at this moment enjoys, it is the conviction of Her Majesty's Government, that it is only due to the people of this country that they should now be relieved from a large proportion of the charge which has hitherto been imposed upon them."

Governor Sir W. Colebrooke, writing from Barbadoes, August 1851, thus expressed himself:—

> "The expenditure of Great Britain in Barbadoes is proportionately larger than in the other islands, being the head-quarters of the entire command in the West Indies; and some reduction of the aggregate charge might be effected if the troops could be concentrated in Barbadoes and the other principal stations—a measure which would probably lead to the formation of an effective police and constabulary in the islands whence they were withdrawn."

Corfu, since the peace, had cost in new fortifications, ordnance buildings, and barracks, 456,000*l.*; of which the Ionians paid 307,000*l.*, and Great Britain 148,000*l.* Whereas the report of the Committee stated—

> "According to Lord Grey's views, these works should never have been undertaken; one of the great objections to the fortifications which have been constructed towards the sea is, that they render other fortifications on the land side necessary also; otherwise it may be that we have only constructed fortifications against ourselves. If Corfu had been left undefended, it could never have been held against a great naval Power; but, as it is, being fortified, it imposes upon us, in the event of a war, the inconvenient necessity of maintaining a large garrison there."

With regard to the Ionian Islands, Sir C. Napier, who had been thirteen years there, stated before the Committee in 1834 on Colonial Expenditure, that he considered 1,000 men would be a sufficient peace establishment for all the Seven Islands. The North American and West Indian colonial service absorbed eighteen regiments of excellent troops, and eighteen companies of artillery, the expense of which amounted to no less than 1,150,000*l.* Look at the preposterous force we kept up in these dependencies: In Canada there were seven regiments of British infantry, including the Canadian Rifles, and seven companies of artillery; in Halifax, three regiments of infantry, and two companies of artillery; in New Brunswick, one regiment of infantry, and one company of artillery; in Newfoundland, one Royal Newfoundland company, and one company of artillery; 344. Total, North America, exclusive of Bermuda, eleven regiments of infantry, eleven companies of artillery, some engineers, and the Newfoundland company. In the West Indies there were five regiments of British infantry, three West India regiments, and seven companies of artillery, making, with the eleven in Canada and Halifax, &c. eighteen. Yet there was no occasion whatever, unless, indeed, for police services, for the presence of these large bodies of troops in these different localities. Upon a careful consideration of the whole subject, he had come to this estimate, that we had 1,000 men too many at Corfu, where a total of 2,000 should suffice; at St. Helena, 400 too many; in Australia, 1,500 too many; in our North American colonies, 6,000 too many; in the West Indies, 4,000 too many; in Ceylon, 500 too many; or, upon the whole, including 1,600 from the Cape, a force of 15,000 men, who were now uselessly engaged in the Colonies, weakening our defences at home, and involving a much larger expenditure in their cost than would be necessary were they stationed at home. He had no doubt that by the removal to the home territory of these troops a saving of from 200,000*l.* to 300,000*l.* per annum might be effected in the estimates for their maintenance. While thus suggesting his humble opinions as to the best means of providing for the internal defence of the country, he begged to be understood as not only not participating in, but even as repudiating, the alarmist views of our position which had been put forward by so many gentlemen, military and civil—views which occurred to him as not unlikely to operate, more or less, as invitations to invasion. The landing of a body of troops with artillery, material, &c., was no such easy matter, even after they had been got together on the coast ready for embarcation, in itself no easy business, as he could himself testify, having been engaged in the embarcation and disembarcation of troops in the four quarters of the world. He would illustrate the difficulties of the operation by some extracts from the *Wellington Despatches.* On August 1, 1808, Sir Arthur Wellesley, writing to Viscount Castlereagh, said—

> "I have this day commenced my disembarcation in the river of Mondego, because I am apprehensive that any further delay might tend to discourage the country, and because I shall experience greater facilities in making the arrangements for the movement and supply of the army when it shall be on shore than while it shall continue afloat. The landing is attended with some difficulties, even here, and would be quite impossible if we had not the cordial assistance of the country, &c."

This was followed by a memorandum, or order, for the Commissary General, requiring, in order to move forward with 10,000 men, to be levied in the country around—for bread, 170 carts and 130 mules; meat, 100 carts (also a further supply of carts); spirits, 37 carts; medicine chests, &c., two carts; spare muskets and ammunition, 250 mules; intrenching tools, thirty mules. 150 additional carts, and about 500 more mules were ordered to be bought: yet still, four days afterwards came the intimation—"Much distressed for want of about 150 mules." Again, on the 8th of August—

> "I have had the greatest difficulty in organising my commissariat. . . . . I shall be obliged to leave Spencer's guns behind for want of means of moving them; . . . . and I should have been obliged to leave my own if it were not for the horses of the Irish commissariat. . . . . Let nobody ever prevail upon you to send a corps to any part of Europe without horses to draw their guns."

Again, Sir Arthur having moved forward on the 10th, considered that in doing so he was acting "in great haste," and at "great inconvenience to the army;" but he hastened his forward movement in order to save a depôt formed at Leiria. After consuming ten days in disembarking 12,000 men, about twenty days were occupied in reaching Vimiera, about sixty miles from the place of disembarcation, with all the advantages of a friendly population, of an auxiliary native force, and accompanied along the coast by a British squadron. He doubted very much the facilities, so called, which it was said existed for the organisation of a descent upon our shores. It would, he believed, despite all that had been said and written to the contrary, take a considerable number of days to transfer any considerable force from the Continent to our shores; and, supposing any such force landed in Kent or Sussex, it would take them ten days before they could reach the entrance to this town. To make such a descent it was indispensable that the force should be large, say 60,000 or 80,000 men. To embark such an army, with its baggage, horses, and artillery, was a different affair to so many men going aboard steamers with nought but their portmanteaus. Why, when the Duke of Wellington sailed for Portugal, his army of 12,000 men, which was but in the proportion of a division of the force he had described, was ten days in embarking, and three weeks from making port to arriving at the spot, sixty miles up the country, where he fought his first engagement. The sudden arrival of a French army in this metropolis was then simply an impossibility. The right hon. Gentleman opposite said, that the whole regular force which we could bring to interpose between such an army and the metropolis would be 25,000; and that, of course, all that such a handful could do would be to hold the enemy in check as much as possible, but to retreat before the advancing army and leave London to defend itself. Well, supposing that to be done, he did not think the taking of a city containing 2,000,000 inhabitants would be found such an easy task. Let them recollect what had happened lately at Rome, which had 200 times fewer inhabitants. When he recollected, also, the spirit recently evinced by the people of this country in arming and enrolling themselves, he could not but believe the taking of such an enormous city to be impossible. But he utterly denied that 25,000 only could be brought against an invading army. We were not so deplorably off for military defence as some writers and speakers seemed to imagine. Taking the Army Estimates for this year, he found that, of cavalry and infantry (exclusive of India), we had of officers, non-commissioned officers, and rank and file, in round numbers, 102,000 troops; of engineers and artillery, in round numbers, 15,500; being a total of the three arms of 117,000. Of these we had at home, infantry and cavalry, including officers and non-commissioned officers, 58,519; of the Ordnance corps, 9,300, being three-fifths of the whole force; total at home of the three arms, 67,800. The facilities of railway transit from Ireland and the most remote parts of this country, with the assistance of the electric telegraph, brought them all within a few days' distance. Probably in four days, or at most a week, that number of men might be collected to defend London. Then there were the Marines on shore—admirable troops—in number, 5,300, and who, in common with the Marines afloat, were trained to the use of cannon, the total representing 73,100 regular troops at home, besides the pensioners, of whom 12,000, out of the 16,000, were available on emergency; in all 85,000 troops. Of the Marine artillery there were four companies on shore, provided with, he believed, about twenty field guns; and it appeared from the evidence of General Sir H. Ross, the Adjutant General of the Royal Artillery, that there would be eighty field guns ready to take the field if additional horses were provided. Leaving, therefore, 12,000 military police in Ireland, more effective and competent for detached duties than 20,000 of the line, there were for the defence of the metropolis 85,000 men, and 100 guns fit for offensive as well as defensive action—a force which, he ventured to say, would give a very good account of any army that could land in England. Those were independent of 4,000 pensioners, 13,000 yeomanry cavalry, 8,000 dockyard men, and 5,000 coast guards. He must regret then that Government had not waited for a new Parliament, to the decision of which he thought it most proper to refer this important question; and, believing that any addition to our defences of the description thus contemplated by the Government were unnecessary, and that, if additional defences were necessary, they would be much better, more efficiently and economically obtained by reducing our colonial army, he should move as an Amendment that the Bill be read that day three months.

Mr. RICH said, he had great pleasure in seconding the Amendment of the hon. and gallant General, who had, he thought, most effectually disposed of the statement of the right hon. Gentleman who moved the second reading of the Bill, that in the event of an enemy's landing we could not bring more than 25,000 men to bear against him. He could only account for that statement by concluding that the right hon. Gentleman had thrown Ireland entirely out of the question: but, considering the facilities of communication between the two countries, it was absurd to suppose that men in Ireland were not as available as any in England. It was upon these one-sided and incomplete statements that the alarm which pervaded the nation had been created. Upon the showing, however, of the right hon. Gentleman himself there was no particular urgency for this measure; and the noble Lord at the head of the Government had in another place alleged the very amicable state of our foreign relations, as affording the most fit opportunity for increasing our defences without creating in foreign countries feelings of alarm or jealousy. There was no immediate necessity, then, which could justify an expiring Parliament in imposing upon the country so large an expenditure, when the approaching dissolution afforded so appropriate an opportunity of testing public opinion upon the subject. In the absence of this urgency, the right hon. Gentleman alluded to hidden dangers from the smouldering embers of democracy, and, at the same time, with some inconsistency dwelt on the large standing armies of the despotic Powers as a cause of alarm. With reference to these apprehensions of invasion, it should not be forgotten that foreign Powers required to maintain larger armies than our own, on account of the elements of disturbance by which they were threatened internally; and owing to this circumstance he thought it highly improbable that any concentration of force could take place sufficient to cause any material danger to this country. The democratic party would give sufficient employment to all the autocratic force. But were the cause for alarm greater than it was, he should be inclined to rely upon that other arm of defence—the Navy—which had stood England in such good stead upon all emergencies. Some hon. Gentlemen conceived that the appliance of steam diminished the efficiency of that branch of our defence; but he should be inclined to think that the advantages of a dominant Navy would be much increased by it; and if the unwieldy flotilla of a foreign Power should be launched against England, he believed our sailors would give a very good account of it. But still, two successive Administrations having declared in the face of the country, and with the whole weight of their official responsibility, that our defences were insufficient, he felt that such assertions from such quarters might provoke a demonstration against this country which it would cost us more to ward off than would be required to put those defences in a more efficient state. Under these circumstances he was prepared to examine the Bill now before the House. The right hon. Gentleman proposed to raise altogether 80,000 men. With what an amount of disturbance and discontent those men would be raised if the ballot should be had recourse to, to any extent, he left the House to judge; but if the bounty system should prevail, what would be the class of men who would take advantage of it? We could not shut our eyes to the fact that we had among our population a large mass of unsettled, half-educated, and discontented persons, either congregated in the towns, or spread over the rural districts, who having received little from society, conceived they owed it still less; it was from this class that the militiamen who might take the bounty would be chiefly derived. Riots and disturbances had occurred in this country, and he feared would always recur. Now, the people who took part in those riots were the very persons to whom Her Majesty's Ministers proposed to impart a military organisation, and who, thus having had instilled into them a sort of sentiment of military power, would be very apt to avail themselves of it when the opportunity presented itself. Meanwhile, the classes who were interested in the preservation of order, would be left as they now were, totally ignorant of military exercises. But if, on the other hand, the industrious poor were compelled by the ballot to join the ranks of the militia, they would lose not only their temporary wages, but their regular employment, which would be filled up during their twenty-one days' absence at drill. They would thus be reduced from their humble but safe position in life, and be degraded to the condition and habits of the reckless class; while the conviction that they had been pressed down by this harsh operation of the law, would augment any feeling of discontent that they might previously have entertained. And should these men escape such ruin by the purchase of substitutes, the effect would be nearly to put an end to the operation of the bounty; for, as necessarily much more than the bounty would be obtained for acting as a substitute, it would follow that when the 30,000 additional men came to be enrolled in 1853, no men would volunteer for the bounty, knowing by experience that so much more could be obtained for a substitute. The demand for substitutes being thereby increased, the price would rise to an oppressive height. The Government would then be obliged to raise the bounty in order to obtain volunteers, and keep down the price of substitutes; but this would have only a temporary effect, for the price of substitutes would also soon correspondingly rise. Recourse would then be had to the ballot, and it would, ere long, be employed with such stringency, and would inflict such misery on so many classes, that the result would be that the Government would be forced to abandon its militia system altogether. The class, however, to which he had referred, and which he thought so objectionable as temporary militiamen, was the very class from which the Army was chiefly and most usefully recruited, for there a permanent occupation and discipline settled their habits, and they became some of our best soldiers. The militia bounty would, however, prevent their enlisting, for it was not likely they would accept a few shillings bounty for the Army, when they could get 5*l.* or 6*l.* for five years' service of only three weeks each year in the militia. But the right hon. Gentleman the Secretary of State for the Home Department fancied that he could provide against this by extending the age for volunteering in the militia beyond that at which recruits were received in the Army. Now, of all persons between 18 and 35, four-fifths are married, but by far the greatest number are between 25 and 35, so that probably the bulk of volunteers would be between the ages of 18 and 25, that is to say, the ages between which enlistment for the Army takes place. But if they got married men, what would be the effect of leaving their wives and families dependent on the rates, in case of calling out the militia in time of war? Serious, however, as these objections were, they might perhaps be submitted to, if, after all, the force to be raised should be an efficient force, capable of facing a well-disciplined army in the field. But he maintained that this was plainly impossible. He found that an army recruit when enlisted was put to drill for four months, during which time he was placed in barracks among other soldiers, and had the instructions of the most experienced drill sergeants and drill corporals to assist him in learning his duties. At the end of the four months' drill, another month's instruction was required before he was permitted to mount guard; and it ought to be remembered that when at length he did take his place as a regular soldier, he joined the ranks of old experienced soldiers, whose steadiness and discipline tended to correct his unsteadiness and want of discipline. But a militiaman had none of these advantages. He (Mr. Rich) would like to know where the Government expected to get drill sergeants to drill the 80,000 men they proposed to raise as a militia force. Had it even entered into their heads to inquire how many men a sergeant was capable of drilling? If it had, they must have found that the number was not very large; and, besides, they would find that it was no easy matter to collect more than 2,000 men capable of teaching drill; that, in fact, drilling, like all other teaching, required a peculiar tact. Then, again, it should be remembered that the ordinary soldier was, in general, from the very fact of his enlistment for years, disposed to learn, whereas the ballot or bounty militiamen could have no such inducement. It was proposed that they should be required to attend drill for three weeks in the year only; for the other forty-nine weeks they would be endeavouring to earn their livelihood. The consequence would be, that during the three weeks' drill they would be thinking of how and where they should get employment, or what they were to do when their exercises were over. The yeomanry corps had been cited as a proof of what might be expected from a militia force; but the two cases were as different as it was possible to conceive. The yeomanry corps were a voluntary force, who took a pride in their exercises, and among the different regiments of which there was great emulation. Could this be expected of these ballot and bounty men? He repeated it would be found impossible to make the militia force efficient under the system proposed by the Government. They might rest assured that, as there was no royal road to mathematics, so there was no short cut to the acquisition of military qualifications. To make a good and efficient soldier, required time and patient instruction, long association with an experienced soldiery, the hard experiences of a field life, the march, the guard-room, and the barracks. But it must be especially considered that the service with which these militiamen would be entrusted, was the defence of everything nearest and dearest to us; and he asked whether it would not be worse than rash to commit such an inestimable charge to what, in a military sense, would be an undisciplined rabble? The right hon. Gentleman (Mr. Walpole) had referred to a fact which he cited as a proof of militia discipline. He said, that on reading Napier's *History of the Peninsular War*, he observed it stated that, out of 16,000 men engaged at the battle of Talavera, a very large part was drawn from the militia, and that they went into Spain so recently before the engagement that a great portion of them bore on their accoutrements their former numbers in connexion with the militia. But the fact was that these men, before proceeding to Spain, had had the discipline and had been doing all the duties of regular troops, with the exception only that they had been doing these duties in England. These troops had nothing but the bare name of militia in common with the unformed masses now proposed to be raised. Having thus pointed out what appeared to him the utter inefficiency of the measure proposed by Government, and having admitted that our defences might require to be improved, he was ready to make such suggestions as he thought would attain that result at a much less expense than would be incurred by the Government measure, and, at the same time, furnish an efficient, instead of an inefficient, supply of men. The gallant General (Sir De L. Evans) had pointed out how we might increase the number of our regular troops at home without adding to the amount of the Army. Whether that was a prudent plan or not, was a question upon which he (Mr. Rich) would not then enter; but he would at once say, that much as he objected to increasing the Army—strong as were the financial as well as constitutional objections to a large standing Army—he would infinitely prefer incurring all the risks of adopting such a course, in the event of any danger of a foreign attack, rather than support the plan which was embodied in the Bill now before the House. There was, however, no need of such an expensive force. Before resorting to that last expedient, it would be better to encourage the spirit of volunteering which appeared so strong in the heart of the country in the early part of the year, and by means of which all classes of the community might be brought to combine for the common defence; whereas the tendency of this Bill was to consign it to the reckless class to which he had referred, and to the territorial class from which the officers were to be taken. There was danger lest these two classes might, under certain circumstances, combine; and, indeed, he rather thought it was the policy of the present Government to encourage a dependence on, and a following of, the upper class by the very lowest classes. A good deal of derision was occasionally cast upon the yeomanry; a derision, however, in which he was by no means disposed to join. He thought the yeomanry corps contained the germ of a good system; but, at the same time, while he regarded the yeomanry arrangement as a good one, he thought it capable of considerable improvement, and that it might with advantage be combined with the spirit of the measure which was proposed by the noble Lord who was lately at the head of the Government. He did not see why the voluntary system, in combination with certain organisations, should not be extended to the great cities and towns of the empire, who might each have its volunteer corps under the management of its own municipality. There would thus be obtained a force which would be useful as an auxiliary, though no doubt unfit to cope hand to hand with regular troops. He did not see why volunteer rifle corps, and artillery corps, and divers other corps, might not be raised for the defence of those towns, under the sanction and encouragement of Government. He thought, also, that, following the suggestion of the hon. Member for Montrose, the police force, both urban and rural, might be made available for local defence by training the men to the use of firearms. It was well known that in the police force there were some thousands of old soldiers, who would of course be found particularly useful if such a plan were adopted. The Rural Police Act was working advantageously over about half England, and if it was rendered compulsory upon the rest of the counties to adopt its provisions, as he thought it now should, there would be a rural police force of at least 8,000 men. This, in combination with the Scotch police and that of London, and of the other towns throughout the empire, would amonnt to some 16,000 intelligent and active men, who would be of the utmost use for local defensive operations. The artificers in the dockyards, to the amount of 10,000 men, had for many years been drilled and trained so as to be always available for purposes of defence. In the same way, although the pensioners who were now enrolled, would not be capable of going through a long series of operations, yet they would be of the utmost use, in combination with our Army, in repelling a hostile descent. They at present consisted of about 63,000 men, of whom about 2,000 were in the Australasian and North American Colonies, where they had done good service. Of the remainder, about 32,000 were effete, being above 65 years of age; but there were 28,000 between 55 and 35 years of age. Of these, 28,000 under 55 years of age, there were some 5,000 who were disabled by various causes; 2,000 more were employed on railways and in certain situations of trust, from which it would be inconvenient to those who employed them, and hard to themselves, that they should be taken away. There remained somewhere about 19,000 who might be taken to be efficient soldiers; but 2,000 of these were excused from the annual drills, yet were told off in battalions, and in the event of an emergency might be called out. Upon the whole, he reckoned there would be a pensioner force of the first class of some 18,500. But it was found that the influx of men who retired after twenty-one years' service was greater than the efflux of pensioners who had passed the age of 55. Taking that into account, he calculated that this pensioner force would amount, on the present system, by the end of next year, to some 20,000, the greater part of whom had probably been more under fire than one-half the regular Army, and it would probably be difficult to find a steadier body of men suitable to meet a sudden emergency. The noble Lord now at the head of the Ordnance (Viscount Hardinge) had rendered great services to his country in Spain, in Belgium, in India, in that and the other House of Parliament, and in the Cabinet; but he (Mr. Rich) thought, however brilliant those services had been, that the noble Lord had rendered no service likely to be of more permanent value than that by which he effected the progressive and permanent embodying of this reserve force of military pensioners. Those men might be called out, and ready for action, within 24 hours, and they could be conveyed by the railway, fresh, hearty, and ready for immediate service, to within a few miles of the spot where they might be required to act. This force might, moreover, be very largely increased. He believed that of the number of men who retired annually from the Army without having completed 15 years' service, after allowing for those who retired in consequence of wounds, or under circumstances which rendered them unfit for active duty, there would remain about 1,200 who settled in this country, and who would be willing to join the pensioners' battalions. Taking this as the annual supply, he might calculate that during the last 12 years some 14,000 men had retired from the service, who would be ready and anxious to join the pensioner battalions upon the promise of a small deferred pension. There was another source from which a much larger and continuous supply might be drawn. The noble Lord (Mr. Fox Maule, Lord Panmure) who lately presided at the War Office, where he believed he had the character of being one of the best Secretaries who ever held the office, introduced in 1847 a Bill, limiting the service of soldiers to 10 years, but giving them the option, at the end of the 10 years, of re-enlisting for a further period of 11 years, with the capacity of becoming entitled to pensions at the expiration of such service. The noble Lord included in this measure a clause by which the men who re-enlisted should have the option, when they had completed four or five years of their renewed service, of either continuing their unexpired time in the regular Army, or of serving for double that time in the pensioners' battalion, on the understanding that their pensions should go on gradually increasing until they reached the amount they would have received after twenty-one years' active service. That clause was, he regretted to say, withdrawn; for he believed that, had it been adopted, a great number of the men now enlisted for ten years would have worked out their service in the reserved force. It was, however, competent for the Government to obtain authority by which those men might be yet retained by pensions on completing the term of service in the way contemplated by the noble Lord the late Secretary at War. By such means 10,000 or 12,000 additional first-class pensioners might be easily obtained. He thought he had thus shown that it would not be difficult to establish a large combined force of regulars and of pensioners of not less than 80,000 or 90,000 men, who, in case of danger, might be disposed by the Commander-in-Chief in such positions with regard to the railroads and coasts that they might mutually support each other, and might be brought to bear upon any point where an attack was expected. They had a constabulary force of 14,000 men in Ireland; 16,000 policemen in this country might be armed, and trained to the use of arms, under the regulations he proposed; they had 10,000 men in the dockyard battalions, and 13,000 of the old or second-class pensioners, who, though unfit for field operations, might be stationed in defence of towns and forts. They would, from these sources, have a garrison force of 50,000 men, of whom three-fourths would be young, able, and active. In addition, they might have an auxiliary force, either increased according to the present yeomanry system, or under the volunteer system lately proposed. Thus then they might, without recurring to this militia, easily augment their military defences to an armed force of some 200,000 men. The expense of the additional pensioners, according to estimates he had made, would not exceed 50,000*l.* a year, and the cost of enrolling and training the constabulary and rural police would be about 30,000*l.* The expense of the volunteers or organised local corps would of course depend upon their numbers; but these men, unlike the militiamen, would serve without bounties. Thus much, then, for our defences. His object had been to bring before the House for discussion two principles. First, that a man taken from the plough or the loom, temporarily removed from his ordinary avocations, and having no disposition or inclination to be a soldier, and who was subjected for some short three weeks in a year to military discipline, could never become an efficient soldier. He was convinced that they never would be able to form such men into battalions fit to encounter an enemy. His second principle was, that a soldier, once a perfect soldier, might easily be continued so, even in the midst of civil life, by short occasional military exercises. If these principles were true, the present Militia Bill fell utterly to the ground, as a means of defence against sudden aggression. A disciplined army could be encountered effectually only by a disciplined army. He thought the force of 200,000 men, which he believed might be readily embodied in the manner he had suggested, would prove to foreign Powers that this country was amply capable of providing for its own defence. He could only say that, if we were to have a war, he hoped never again to hear of balloting for the militia, or of pressgangs for the Navy. The proposal by his right hon. Friend lately at the head of the Admiralty to raise a reserve of 5,000 seamen was a step in the right direction for the Navy; and Lord Hardinge had prepared the way for like further military arrangements by his organisation of the pensioner force. It was by a system of the accumulation of large reserves that the cheapest, and, if the expression might be used, the most peaceful means of defence, were to be found; and this system had the further recommendation that within dwelt also the germ of a more humane and remunerative treatment of our soldiers and seamen. It would raise them, not only in their own estimation, but in that of their fellow-subjects, to feel that the country looked to them in the hour of danger, and that even in retirement they were not cast aside, but were still regarded and rewarded as its honoured defenders. For it is in the honoured recognition and moderate remuneration of services that essentially resides "the cheap defence of nations." For the reasons he had given, under the qualifications and with the views he had stated, he (Mr. Rich) found himself under the necessity of opposing this Bill, and supporting the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Sir JOHN WALSH said, he must congratulate the hon. Gentleman who had last spoken on the prodigious relief he must have experienced by the dissolution of the late Government, as that otherwise unhappy circumstance had relieved him from the painful necessity of being obliged to support a proposition to which, though brought forward by the Government with which he was connected, he was at heart opposed; for it appeared to him (Sir J. Walsh) that the very long and copious objections urged by the hon. Member would have applied with as much propriety to the Bill of the late Government, of which he was a member, as to the present measure. The whole of the hon. Gentleman's objections might be said to be comprised in this one—that any militia embodied for a short period was an inefficient and objectionable force. The great difference between the present Bill and that of the former Government is, that in the present instance there is an alternative given to parties to volunteer; and only in case of the number offering being insufficient was the ballot to be resorted to; both measures, however, contemplated a militia embodied for a short period as the nucleus of a force to be called upon in case of necessity. The description of force suggested by the hon. Gentleman would be of course much more valuable; for if they could secure 80,000 men, fully armed, accoutred, disciplined, drilled, and officered by Her Majesty's Army, of course such a force in the nature of things must be more efficient than they could hope this militia would prove. But they must consider what was possible and practicable in the existing state of things. He was quite certain that the House would never consent to so expensive a proceeding as a large increase of the regular Army. The hon. Member had shadowed forth many of the sources from which a regular and disciplined force might be obtained. But all such measures would involve a considerable period of time; whereas the necessity for the force proposed was, that it must be organised immediately. The principle of a militia, as he understood, had been conceded from all sides of the House at an early period of the Session. When the proposition was made by the noble Lord lately at the head of the Government, the principle was advocated by the noble Lord the Member for Tiverton (Viscount Palmerston), and was supported by those who now sat upon the Opposition benches. But now it appears that an opposition was being organised against that very principle which before had scarce a single opponent in the House. There were two grounds of opposition to the measure. There were those who denied the necessity of increasing our national defences at all—who thought that the probability of danger was merely chimerical—who thought that the world was so changed of late that there was no longer any fear of the recurrence of that which had prevailed from tho beginning of the world. The other class was that to which the hon. Member who had just spoken belonged, who quarrelled with the mode of raising these additional men, and said that the proper mode had not been adopted for strengthening our national defences. The hon. and gallant Member who moved the Amendment made use of one argument which appeared to him (Sir J. Walsh) to be somewhat fallacious. In referring to certain of the Colonies, he said that there were about 17,000 or 18,000 men doing garrison duty in the Colonies, and that a great expenditure was incurred for useless services. [Sir De L. Evans: I did not say in the Colonies generally, but in the North American and West Indian Colonies.] Well, the hon. and gallant Gentleman admitted that in two colonies our troops were unnecessary. Of course the presence of troops at the colonies or at home was always useless in times of peace; but if war broke out they would require the services of these troops immediately. They would be wanted for the defence of those colonies, unless we were prepared to surrender them at the first breaking out of hostilities. There was a class of Members in this House who upheld the monstrous, he had almost said absurd, doctrine that the danger of war no longer existed in the world. He was astonished that they could attempt to broach so monstrous a doctrine in the face of the experience of the last six thousand years, and especially of the events in Europe during the last six years. The wars of the French Revolution bequeathed to Continental Europe two great legacies—the institution of the conscription and the institution of the national guard; and the consequence of that had been that the whole of the nations of the Continent were more military, and that a more thorough organisation existed amongst them at this moment than had ever been known before. Why, the thirty years' peace, which had been so much talked about, resembled an armed truce rather than a state of permanent peace. In fact, all Europe was bristling with bayonets; and we had no security from a contingency arising at any moment that would bring them into use. True, for a considerable period there had been an intermission of war; but it was quite evident that during that time principles were agitating society which, sooner or later, must lead to convulsions that would necessitate the use of that force. Talk of peace! Talk of the fear of war having entirely vanished from the face of the globe! Why, look at the Continent. All Continental Europe during the last four or five years had been involved in war. In Lombardy, in Denmark, and in the streets of Paris, of Vienna, and of Berlin, there had been constant fightings. Blood had flowed like water. In short, there had never been a period in which the peace of Europe had been more disturbed than in the course of the last few years. And in what had it resulted? In the triumph of military force and military science against democratic violence and anarchy. And now they had throughout the countries that had been thus convulsed, vast armies, which the rulers could not venture to disband, and which at any moment, and in any contingency, might be turned against this country. The hon. Member for the West Riding (Mr. Cobden) had the happiest knack of putting on the semblance of common sense. His "eloquence" was so "unadorned"—what he said was so plain, so direct, and so easily to be understood, that one was always tempted to fancy it must be the most obvious and sensible thing in the world; and he remembered that, three or four years ago, the hon. Gentleman made a lucid statement in that House in support of peace principles; but to him (Sir J. Walsh) it appeared that that very statement went exactly to establish what it was the hon. Gentleman's object to disprove—namely, that there was a necessity for this country always to hold itself more or less prepared for war. The hon. Gentleman went through a brief history of England and our foreign relations during the preceding ten or twelve years, and he showed very distinctly that there had been not less than nine or ten different occasions in that short period, in the midst of a profound peace, too, when we were on the threshold of some dangerous war. With respect to our relations with Russia, he mentioned the case of the *Vixen*, and one or two other cases. As to France, he referred to the affairs of Egypt and Mehemet Ali, the question of Tahiti and Mr. Pritchard, and the dispute upon the subject of the Spanish marriages. He also spoke of the United States of America, with which we had had disputes which were very difficult of adjustment—as, for instance, the Maine and the Oregon boundary questions, the destruction of the *Caroline* at the Falls of Niagara, and the imprisonment of M'Leod. All these cases the hon. Gentleman then mentioned in his speech; and since that period there were two or three others which might be added to the catalogue. One of these was the question which arose upon the attempt of Austria and Russia to compel Turkey to deliver up the Hungarian refugees. At that time we had a fleet at the Dardanelles, and might be said to have been upon the eve of a war with Russia. Subsequently to that occurrence, too, M. Drouyn de l'Huys, the French Ambassador, quitted this metropolis, and a difficulty arose with the Government of France upon the question of the arbitration of the French Government in our dispute with Greece relative to Don Pacifico's claims. Looking, then, at the speech of the hon. Gentleman, and the occurrences which had since taken place, he (Sir J. Walsh) must say that he arrived at a totally different conclusion from that of the hon. Gentleman; that our relations were so complicated, and we might be involved upon such a variety of questions with our neighbours, that we could never consider ourselves to be altogether safe from the danger of war; and that at any time when we were least desirous of, and least prepared for war, some of these quarrels and disputes might spring up, and involve us in the necessity of a contest for the defence of our honour or our interests. The very fact of our being prepared, and having a certain military force at our disposal, enabled us more to carry negotiations to a pacific conclusion and result; and he believed that on very many occasions if we had been defenceless we should have been obliged to give up the points in dispute, or been precipitated into a war from which we should have had no means of protecting ourselves. *Nolens volens*, during the last ten years we had been perpetually engaged in disputes with foreign Powers. Was there anything in the present aspect of Europe to make us believe that the danger had altogether passed? Was there anything in the state of the Continent at this moment so much more peaceful, settled, and tranquil than for the last ten or twelve years, that we could afford to lay down our arms under the impression that the necessity which existed then existed no longer? He (Sir J. Walsh) would be exceedingly reluctant to offend the susceptibilities of any foreign nation. He did not wish, he did not think it necessary, to do so. He was one of those who had considerable confidence in the friendly feelings which at present existed, for example, in the breast of the ruler of France towards this country. He did not believe that the Prince President had any present desire whatever to engage in a war with this country. He did not believe that he meditated—he did not believe that he intended it. But he could not help saying that he saw in that ruler a very energetic character. He saw in him very great ability. He saw in him very great power of carrying out his own objects with dexterity and wisdom. He also saw that, in having a large unemployed army under his control, there must be at any rate great temptations to use that power. And of this he was sure, that if the President of France were to hold up his finger, and were to engage in any quarrel with England, he would be backed by the whole force and spirit and will of the French nation. That of itself was, he thought, a reason why we should at the present moment do something towards the improvement of our national defences. He did not say that a necessity existed now which had not existed before. On the contrary, he said that the necessity had existed for the last ten years: that we had been running very great risk all that time, and that we had been wrong in not taking some preventive measures earlier. When it was perfectly well known that with respect to the Pritchard case, France was on the point of declaring war against us, at a time when our dockyards and national establishments were altogether unprotected—when it was perfectly well known that the French actually brought their steamboats together with the view of making a descent upon our coasts—when all these things were known, he maintained that it was perfectly inexcusable on the part of our Government not then to have adopted such a precautionary measure as the present, which he believed was forced upon them by the public opinion of the nation. The question of improving our national defences he considered to be determined, not only by the almost unanimous opinion expressed by this House at an early period of the Session, but also by the almost unanimous voice of opinion out of doors. He believed that hon. Gentlemen opposite were never more mistaken than when they supposed that they could get up a popular agitation against the measure by a peace cry. Their sincerity, of course, it was not for him to call in question; but he thought they would find themselves wholly mistaken if they supposed that the people of England would follow them in their wild and untenable course, or that the common sense of the country, which they were so fond of invoking, would bear them out in the conclusions to which they wished the public to come. And now, as to the details of the Bill under the consideration of the House, he did not mean to say that they were the best that human ingenuity could devise; however, he thought that this Bill was in many points preferable to that which was submitted to their consideration at an earlier period of the Session. He certainly thought that it was desirable that they should, in the first instance, open the door to volunteer assistance before they had recourse to that obnoxious proposition, the ballot. It might be possible, that, in the end, they would have to resort to the ballot, for the volunteers might be found to be too few in number. Still there could be no objection to trying that system in the first instance; at all events, they could not be worse off than with the measure of the noble Lord (Lord John Russell), which began with the ballot, and left no door open to the volunteer system. It must be recollected that this force, which hon. Gentlemen decried as entirely useless, would be commanded by officers of the regular Army, and would be disciplined by men engaged in the Army, so that the "raw material" might, in the space of a short time, be made as valuable a force as any such force possibly could be. If the material were good, he believed it might be made available for the defence of the country far more easily than the hon. Gentleman who spoke last seemed to imagine. That hon. Gentleman seemed to suppose that this force would be driven away at the very first appearance of a French disciplined force, who would demolish them. Now, he thought that the hon. Gentleman totally underrated the spirit and military capabilities of those ploughmen and labourers, whom he had described to be unfit for military purposes. It seemed to him (Sir J. Walsh) that these men were the *matériel* of the best armies that ever existed. After a drill of twenty-one days, by officers regularly employed in Her Majesty's service, they would have a good knowledge of military duties, and, with the prospect of an invasion, they would, in a very short time, become most available for the purpose of national defence. And these people would be abstracted from their ordinary occupation for but a very short time, in order to undergo drilling. He totally disbelieved that this measure would prove to be so unpopular as hon. Gentlemen opposite had represented. In fact, these hon. Gentlemen talked as if they wished that the measure might be supposed by the country to be as objectionable as they had represented it. He doubted whether men could be much demoralised by having to undergo a drilling of twenty-one days. It appeared to him that all the arguments which had been advanced against the measure were of a very trivial character. He believed that, in that part of the country in which he resided, this measure would prove to be popular rather than otherwise. He believed that the country would look upon twenty-one days' drilling rather as a pleasant than as a painful exercise. He did not believe in the millennium preached by hon. Gentlemen opposite, whose doctrines, if carried out, must emasculate the character of this country, and that any such doctrines would be best met and counteracted by infusing a little more of the military spirit into our people. He believed that the measure was but a very modest and temperate demand upon the population of this country for the performance of the first duty which they owed to their country—its defence. He believed that that demand would be heartily responded to by the whole population; he believed that it would not encounter any of that unpopularity alluded to by hon. Gentlemen opposite. The details of the measure, as he had admitted, were susceptible of amendment; but to the principle of the Bill—the embodiment of the militia—the opening of the door in the first instance to volunteer enlistment, he should give his warm and cordial support.

Mr. FREDERICK PEEL thought, from the observations with which the hon. Baronet who had just sat down had commenced his speech, that he would be surprised to learn that he (Mr. Peel), although a Member of the late Government, and although not an advocate of the views of what he called "the peace party" was yet opposed to the principle of a militia at all. He thought it would have been a convenience if this Bill had been what it professed to be, so far as its title imported, a consolidating as well as an amending Bill, or that it had had appended to it the Act of George III., in order that the House might see at a glance the full extent of the burthen which they were about to impose upon the country, and the harassing nature of the duties which they were about to exact from a portion of Her Majesty's subjects. The hon. Baronet had admitted that there was nothing in the present situation of affairs in Europe which justified the demand made by Her Majesty's Government for an increase of the military armaments of the country, to an extent so large as this proposed force of 80,000 men. Even, however, if he were mistaken, and there was something in the present state of Europe to create momentary uneasiness, he (Mr. F. Peel) thought that would not be sufficient to justify a measure of this particular kind, which established a permanent force, not renewable every year, not dependent upon annual grants of the House of Commons, but to be kept on foot permanently, and in contradiction to that principle which was enunciated in the preamble of every Mutiny Act, "That the raising or keeping a standing Army in time of peace, unless it be with the annual consent of Parliament, is against law." He did not in any way dispute, on the contrary he quite admitted, the propriety of taking measures for completing the defences of this country; but his objection lay to the particular plan propounded by Her Majesty's Government. He thought that the proposed force would be costly and expensive out of all proportion to the quality of the service which the country would obtain from it. He agreed with the hon. and gallant General (Sir De L. Evans) who opened this debate, in thinking that 400,000*l.* would not be the whole of what would be expended upon this force, because they must bear in mind that they were to have 80,000 men, who were to receive pay under ordinary circumstances during the twenty-one days in each year in which they were to be drilled and exercised: and that beside, if it should turn out, as the Government would lead them to believe it would, that this force would be composed entirely of volunteers, a bonus of 6*l.* per man must be paid out of the national Exchequer. It must be recollected, too, that if the force of 80,000 contemplated by this Bill should come to be embodied, these men would receive the same pay as men serving in the infantry in Her Majesty's service. The most important question, he thought, was the manner in which the force was to be raised. Her Majesty's Government had led that House and the country to believe that this force could be raised by means of voluntary enlistment—that people would be found in sufficient numbers ready to volunteer their service, and to enter without compulsion into the ranks of the militia. The hon. Baronet (Sir J. Walsh) seemed to claim credit to his side of the House for the origin of that idea; but it would be found that there was precisely a similar provision in the existing Militia Act. By that Act liberty was given to volunteers to enter into the service, and there was the same pecuniary inducement of 6*l.* per man held out. There was only this difference in the two cases, that while by this Bill the sum of 6*l.* per man was to be paid out of the national revenue, under the existing Militia Act the 6*l.* per man was to be paid out of the local rates. But the material point to observe was, that as was the case under the Militia Act, so under this Bill, he believed that the anticipations with regard to volunteer service would not be realised. The project of voluntary enlistment would be found to be nugatory, and would yield no fruit. What prospect was there of obtaining this volunteer service? Suppose they obtained their men from those portions of the country where the materials were most abundant and plentiful; suppose they were willing to make the ranks of the militia a receptacle into which they might sweep the lowest and most degraded classes of the people; suppose they made them even a receptacle for ablebodied pauper males—he did not believe that, even under those circumstances, they could obtain the force that they required. He observed, from some returns recently laid before the House, that the number of ablebodied pauper males — persons who could not subsist by their own industry, and who required to be supported by the charity of their neighbours—the number of such persons did not exceed 35,000, and of that number more than half were supported in consequence of accidents, or sickness, or some infirmity or another. But they must bear in mind that under this Bill the whole country was to be divided into districts, and that each district was to contribute its quota according to its population; so that those districts in which the working classes most abounded—the great seats of manufacturing industry, the counties, for instance, of Staffordshire and Nottinghamshire, the West Riding, and South Lancashire, where large masses of the working classes were congregated—would be called upon to be the largest contributors to this force. And did any one believe that in those counties where employment was abundant—where no one need be idle who chose to work—where wages were high and remunerative, and where, what was perhaps of more importance, employment was constantand unintermitting—where, moreover, there was such an arrangement of industrial combinations, that the labour of one man had dependent upon it the labour of others, so that the suspension of that one man's labour would put a stop to that of several others, was it likely, under such circumstances, that in Lancashire, for instance, 8,000 or 10,000 would be found willing to abandon the employment in which they were engaged, and enter into an employment of a precisely opposite character—of one which was transitory in its duration, and unremunerative in its return? He did not say that there might not be 80,000 persons in this country who might be willing to enter into the ranks of this militia; he did not doubt that there was that number of persons who would prefer idleness to constant and laborious employment; but he thought the hon. Gentleman who had spoken second in this debate (Mr. Rich) had very sensibly remarked, that those were the persons who were most likely to be engaged as substitutes for those who might be so unfortunate as to be the victims of the ballot. He had heard it stated that, during the war with revolutionary France, while the bonus paid to volunteers, was specified by Act of Parliament, as was now proposed, to be 6*l.* per man, it was a common thing to pay as much as 30*l.* or 40*l.* for a substitute. And so under this Bill, he believed, that these persons would stand by, with folded arms, until recourse was had to the ballot, when they would come forward and offer themselves as substitutes at a price treble, or quadruple, or quintuple the amount that would be paid to them, if they offered their services in the militia as volunteers. He believed then that Government would be compelled to have recourse to a compulsory conscription to obtain their militia, and this, be it observed, after they should have proved that volunteer service was a failure, for the plan must prove a failure when the people found that a service of that kind was opposed to their interests; and he thought that if under such circumstances the Government, against the interests and inclination of the people, endeavoured to force them into the ranks of the militia, they would create such an opposition to the measure as would render it inoperative, and wholly neutralise any advantages which might be expected from it. He thought that in times of peace to have recourse to the ballot would be to establish a system of unjustifiable inequality; for under it they required the same service from the rich man as they required from the poor. They offered to both the liberty to find substitutes; but whilst it was easy for the rich man to pay sufficient to find his substitute, it might be quite out of the power of the poor man to find a substitute; the measure, indeed, possessed all the inequality and all the injustice of a poll tax. But what was the nature of the services that were to be required under this Militia Act? The men enlisted would have to serve under it for twenty-one days in the course of each year—not necessarily consecutive days, because Her Majesty, in Council, had the power of determining the times at which they were to be called upon to serve; and it might happen, therefore, that the men would be harassed with drill at twenty different times in the course of a year. During the whole of the twenty-one days the men under drill would be subject to martial law, that is to say, to no law at all; their civil rights were to be suspended and kept in abeyance, and subject to the arbitrary and capricious conduct of the commanding officer. But it was also [to be observed that this Bill would require residential service, the meaning of which was that for five years a man would have to give annually twenty-one days' service in that place where he happened to be residing when he was first enrolled. For example, if a man resided in the county of Dorset at the commencement of his service, but in the course of the following five years it should be for his interest to go into the county of Lancaster, he would be liable to be summoned to return to the county of Dorset to serve in the ranks of the militia. This, therefore, was a new kind of law of settlement. It would operate to bind the labouring classes of this country to the soil on which they dwelt; it would deprive them of the freedom of locomotion; it would deprive them of the free and unfettered permission to choose their domicile in that part of the country in which they might think that it would be to their interest to dwell. For his part he did not think that a militia would ever be formed to be a very efficient and serviceable means of defending the country. One alternative they must accept—either militiamen would be as efficient as trained and disciplined soldiers, or they would not. If they would not, then his idea of the unserviceable character of this force would be confirmed. If they should be found to be as efficient as trained soldiers, then he thought the Government were bound to attend to that consideration to which the hon. Member for Manchester, when this question was previously under discussion drew their attention—namely, that they would every five years pour into the lowest classes of society 80,000 men who had been taken from the calm pursuits of peace and industry, and had been habituated to military tastes and habits, who had been trained to the use of arms, and who had learned the art and value of military discipline and tactics. He had thus shown that a militia force would be burdensome to the country, in point of taxation, and that it would be oppressive to individuals; and being so, he thought it ought to be shown that it would produce some palpable advantages to induce them to consent to a measure exacting personal service from individuals, and imposing fresh burdens on the country. Now, what were the objects for which the Government asked this force? The House had heard much of its constitutional character; but he did not believe there was any trace of a constitutional character to be found in the lineaments of the measure before them. The Crown had at one time the power to issue Commissions of Array—the Crown had till recently the power of making use of the militia to quell riots and to suppress insurrection; but it was now the first time in history that a Government sought to deprive the Crown of the power of using the militia for those purposes, and said the militia force should only be embodied in case of actual invasion, or imminent danger thereof. It appeared to him that, in a time of peace, a measure of this kind would prove to be an uncalled-for interference with the industrial economy of the country—that in time of peace we ought to apply the principle of the division of labour to our defences—that those men who were intended to act as soldiers, ought to be entirely devoted to that life, and so have the opportunity of becoming masters of their profession, and ought not to be satisfied with the rudimentary parts of military knowledge; while those who followed the ordinary pursuits of life should be left to follow them without the interruption consequent on their being called upon to acquire the elements of military knowledge, for he had no hesitation in saying that there were few characters more distasteful than that of a half citizen, half soldier. He entirely coincided in the opinion of Lord Chancellor Hardwicke, expressed towards the close of the reign of George II. He said—"For my own part, I never was more convinced of the truth of any proposition in my life, than that a nation of merchants, manufacturers, artisans, and husbandmen, to be defended by a regular army, is vastly preferable to a nation of soldiers." That was the principle upon which he (Mr. F. Peel) was inclined to act. He was willing to trust the defence of the country to the Army and to the naval force. He was of opinion that our naval force, if properly stationed, provided an effectual security against surprise in time of peace; and he believed that, before any foreign country could assemble troops for the purpose of attacking us, or transport them to this country, we might blockade every port and close up every outlet along the whole line of their coast. As to our military force, if insufficient, we ought to be satisfied that arrangements could not be made by which some portion of the Army serving in the Colonies might be withdrawn, and the Colonies called upon to organise some force for their own defence. No one would pretend that our troops in the Colonies were kept there for the purpose of external defence—they were there simply for the purpose of internal police, to keep the peace, and to defend the colony against the inroads of savages. In time of war this precaution against invasion, in the shape of a militia, was, in his opinion, not merely useless, but perhaps even dangerous, because it was likely to lull us into a false sense of security. He did not believe that, if there were any real danger of invasion, or of a descent upon our shores, that the people of England would rest satisfied with a militia force of 80,000 men, or even of 120,000. During the war with France there was a militia, but the country was not content with it—there was at that time a volunteer force to the extent of ten times the number of militia—there were at least 400,000 volunteers—

there were train bands, and even a provision for arming the whole peasantry. As it had been then, he believed so it would be again, if there were any real danger of descent upon our shores. He believed that in such a case every man in England would be found willing to rise in defence of our homes and altars, that every hedge would be lined, and every house occupied with our people, and that an enemy would have to contest field by field, and foot by foot, its advance into the country. Upon such a force, rather than on the militia, he should be disposed to depend; and he thought that in case of necessity there would be no waiting for commissions from the Crown, or for authority from the Lord Lieutenant, but that Englishmen would spontaneously rise for the defence of themselves and their country. Holding these opinions, considering the militia injurious to the industry of this country in time of peace, and believing it unserviceable for defence in time of war, he should support cordially the Amendment of the hon. and gallant Member for Westminster (Sir De Lacy Evans).

Mr. NEWDEGATE said, they could no longer doubt upon which side of the House the hon. Member for Leominster (Mr. F. Peel) sat. While he listened to the speech of the hon Gentleman, he could scarcely believe his senses, recollecting, as he did, that the hon. Gentleman was Under Secretary to the Colonies to the late Ministry, at the head of which was the noble Lord (Lord John Russell) who had introduced the Militia Bill this Session. [Mr. F. Peel observed that he believed he had not voted for the measure.] He should have been unwilling to make that assertion trusting only to his memory, but his hon. Friend behind him (Mr. Gwyn) had examined the list of the division, and had found the name of Mr. Frederick Peel recorded as having voted for the measure. The speech of the hon. Gentleman on the present occasion was not so much against the particular measure before the House, as against the militia force altogether. But there was another circumstance which enhanced his surprise, at the opposition to this measure intended by the hon. Member. During the debate on the introduction of the measure by the noble Lord the late Prime Minister, the right hon. Member for Wiltshire (Mr. S. Herbert) spoke as follows:—

> "He could bear testimony to the fact stated by the noble Lord the Member for Tiverton (Lord Palmerston), that the opinion which he had expressed that night on the subject of the militia was no new opinion, for when he (Mr. S. Herbert) held the office of Secretary of War, the noble Lord frequently questioned him on the subject in this House. These questions had not been without effect, for the late Government were so fully persuaded of the necessity for taking some steps in the matter, that at the desire of the right hon. Member for Ripon (Sir J. Graham), then Secretary for the Home Department, and of the late Sir R. Peel, he (Mr. S. Herbert) drew up a Bill for revising the militia laws, with the view of bringing the subject before Parliament; but the measure was not brought forward in consequence of the change of Administration. He was glad, therefore, that the Government had now taken the matter in hand."

The hon. Gentleman (Mr. F. Peel), therefore not only differed from the proposition of the late Government, but also from the proposition which had received the sanction of the Government that preceded it. Such conduct on the part of the hon. Gentleman he could not account for. At the commencement of the Session they heard that there was a necessity for a militia force, because the form of government in France was changed, and a sense of insecurity had thereby been created throughout Europe. He was not aware that the form of government in France had altered since then. But we must remember that this country had been warned by the highest military authority now in existence—by the greatest General of the age—by the most distinguished subject of the Crown—who had year after year pressed upon the consideration of successive Administrations the fact of our coast being defenceless in case of foreign invasion. The Duke of Wellington, writes in 1847 to Major General Burgoyne, as follows:—

> "Some days have elapsed, indeed a fortnight has, since I received your note, with a copy of your observations on the possible results of a war with France, under our present system of military preparation.
>
> "You are aware that I have for years been sensible of the alteration produced in maritime warfare and operations by the application of steam to the propelling of ships at sea.
>
> "This discovery immediately exposed all parts of the coasts of these islands, which a vessel could approach at all, to be approached at all times of tide and in all seasons, by vessels so propelled, from all quarters. We are in fact assailable, and at least liable to insult, and to have contributions levied upon us on all parts of our coast; that is, the coast of these, including the Channel Islands, which to this time, from the period of the Norman Conquest, have never been successfully invaded.
>
> "I have in vain endeavoured to awaken the attention of different Administrations to this state of things, as well known to our neighbours (rivals in power, at least former adversaries and enemies) as it is to ourselves.

> "I hope that your paper may be attended with more success than my representations have been.
>
> "I have above, in few words, represented our danger. We have no defence, or hope of defence, excepting in our fleet."

He (Mr. Newdegate) would beg the House to attend not to his opinion, but to the Duke of Wellington's opinion, as to the prospect of any effective resistance being made by a hasty armament of the people, when undisciplined, by a levy *en masse* in case of a foreign invasion :—

> "We hear a great deal of the spirit of the people of England, for which no man entertains higher respect than I do. But unorganised, undisciplined, without systematic subordination established and well understood, this spirit, opposed to the fire of musketry and cannon, and to sabres and bayonets of disciplined troops, would only expose those animated by such spirit to confusion and destruction."

That was the opinion of the greatest general of the age—one who knew what Englishmen are, and what Englishmen could do—who had led Englishmen on to victory in every country and under every climate, where he had commanded them, in thousands and tens of thousands. This was the Duke of Wellington's answer to those who recommended the people to wait undisciplined and unprepared until the hour of danger was upon them. The Duke of Wellington thus proceeded to describe the nature of the force, which he deemed would be effectual for the defence of the country in case of an emergency, supposing that timely preparations for it were made:—

> "The measure upon which I have earnestly entreated different Administrations to decide, which is constitutional, and has been invariably adopted in time of peace for the last 80 years, is to raise, embody, organise, and discipline the militia, of the same numbers for each of the three kingdoms united as during the late war."

The proposal made by the Duke of Wellington was more extensive than the measure proposed by Her Majesty's present Government :—

> "This would give a mass of organised force amounting to about 150,000 men, which we might immediately set to work to discipline. This alone would enable us to establish the strength of our army. This, with an augmentation of the force of the regular army, which would not cost 400,000*l.*, would put the country on its legs in respect to personal force, and I would engage for its defence old as I am.
>
> "But as we stand now, and if it be true that the exertions of the fleet alone are not sufficient to provide for our defence, we are not safe for a week after the declaration of war. * *
>
> "Let any man examine our maps and road-books, consider of the matter, and judge for himself.
>
> "I know of no mode of resistance, much less of protection from this danger, excepting by an army in the field, capable of meeting and contending with its formidable enemy, aided by all the means of fortification which experience in war and science can suggest.
>
> "I shall be deemed foolhardy in engaging for the defence of the empire with an army composed of such a force of militia. I may be so. I confess it, I should infinitely prefer, and should feel more confidence in, an army of regular troops. But I know that I shall not have these. I may have the others, and if an addition is made to the existing regular army allotted for home defence of a force which will cost 400,000*l.* a year, there would be a sufficient disciplined force in the field to enable him who should command to defend the country.
>
> "This is my view of our danger and our resources. I was aware that our magazines and arsenals were very inadequately supplied with ordnance and carriages, arms, stores, of all denominations, and ammunition. * * * *
>
> "I quite concur in all your views of the danger of our position, and of the magnitude of the stake at issue. I am especially sensible of the certainty of failure if we do not, at an early moment, attend to the measures necessary to be taken for our defence, and of the disgrace—the indelible disgrace, of such failure.
>
> "Putting out of view all the other unfortunate consequences, such as the loss of the political and social position of this country among the nations of Europe, of all its allies, in concert with and in aid of whom it has in our own times contended successfully in arms for its own honour and safety, and the independence and freedom of the world.
>
> "When did any man hear of allies of a country unable to defend itself?
>
> "Views of economy of some, and I admit that the high views of national finance of others, induce them to postpone those measures absolutely necessary for mere defence and safety under existing circumstances, forgetting altogether the common practice of successful armies in modern times, imposing upon the conquered enormous pecuniary contributions, as well as other valuable and ornamental property. * * * *
>
> "France having been in possession of nearly every capital in Europe, and having levied contributions in each, and having had in its possession or under its influence the whole of Italy, Germany, and Poland, is reduced to its territorial limits as they stood in 1792.
>
> "Do we suppose that we should be allowed to keep—could we advance a pretension to keep—more than the islands composing the United Kingdom, ceding disgracefully the Channel Islands, on which an invader had never established himself since the period of the Norman Conquest?"

He would beg the House again to remember from whose letter he read these extracts, and to mark the conclusion. The last passage ran thus :—

> "I am bordering upon seventy-seven years of age passed in honour. I hope that the Almighty may protect me from being the witness of the tragedy which I cannot persuade my contemporaries to take measures to avert.—Believe me ever yours sincerely, "WELLINGTON."

It was true that in 1848 he (Mr. Newdegate) refused to vote for a militia. He sincerely regretted having done so, now that he found that the opinion thus expressed by his Grace remained unaltered, and that it was supported by the most competent military authorities in this country. The highest naval authorities also concurred in believing that the introduction of steam in vessels of war, and, more than all, the manner in which the railroads of France were arranged, connecting the capital with the chief military depôts, and connecting the chief military depôts with the principal seaports, rendered it probable that instead of having the warning hitherto given to us by the concentration of the French forces on the coast, we should find the forces were ordered to diverge to various places on the coast, the point of concentration being some spot on the shores of England, known to the French generals, but probably not known to us: this would render guarding the Channel much more difficult than hitherto. Besides all this, not only had there been a change in the form of government in France, but they should remember the character of the man who held the power of that mighty country. That remarkable man had long been resident in England, and it was well known to his friends, and was in fact undisputed, that there was this in the character of the President of the French Republic which took him out of calculations applicable to ordinary men—he was a predestinarian; he believed, and that belief was the motive of his actions during life, that he was destined by Providence to fulfil a great mission. When he was in England, actuated by these motives, he had not failed to attempt the invasion of France by means ridiculously insufficient; he was entrapped and defeated, but he followed out his course till he gained the supreme power in France. Had the conduct by which he had gained that power, and placed himself at the head of the French nation, given us any reason to believe that he was a man who would hesitate in his policy? He (Mr. Newdegate) believed the President had said he felt grateful for the hospitality he had enjoyed in England, and that he would be sorry to attack us; but that if he found that it formed part of what he believed to be his destiny, he would not shrink from making the attack. When they had such a man at the head of such an army and fleet, which, combined, were superior to those of any Power in the world, it would be madness to leave this country in such a defenceless position as the Duke of Wellington had described. He hoped the present measure would have the support of the noble Lord (Lord John Russell), for though he had objected so strongly to the Amendment of the noble Lord (Viscount Palmerston) on his own Bill, that he threw up the Government when it was carried by the House, still the conclusion of his speech gave him (Mr. Newdegate) hope that he would support a measure which was necessary for the defence of the country. The noble Lord on that occasion said—

> "With respect to the opinions expressed a few evenings since on this subject by the noble Lord the Member for Tiverton (Viscount Palmerston), it appears to me that they do not differ in any essential respects from those to which I gave utterance, and that they are conclusive as to the wisdom, and indeed as to the necessity, of having, irrespectively of our regular army, a force on which we could depend in the unfortunate event of a war or a foreign invasion. It is necessary for this country, having a limited number of men which it has for the regular army, there being no prospect that this House will ever adopt any proposition for an increase of 30,000 or 40,000 men to the regular army, to be kept in the United Kingdom—it is necessary that there should be some force of militia which should enable the country to have at command a sufficient number of men partly trained and ready for employment, and that this force should be ready to be sent to any part of the Kingdom." [3 *Hansard*, cxix. 841.]

For the sake of the country he hoped the noble Lord would not follow the example of those who had been recently his subordinates in office, but that, actuated by the spirit of a statesman and of an English Minister, he would afford the proposal of Government, as a measure rendered necessary for the immediate safety of the country, the weight of his authority, and his sanction, so far, at all events, as to admit of its further consideration by the House. If the House this year voted an increase to the regular Army, as was suggested by some hon. Members, and there should be next year any commercial depression or agricultural distress, he knew from experience the clamour for a reduction of the establishments would be so great that no Ministry could resist it; and the increase of the Army would be so great that no Ministry could resist it, and the increase of the Army would be again reduced. They were told by some hon. Members to withdraw their forces from the Colonies, in order to strengthen the force at home. The commercial policy of this country of late years had rendered the connexion of the mother country no longer advantageous to the colonies; and the only tie which was left between them and us was in the fact that we had not abandoned the parental character, the first duty of a metropolitan State, altogether, and had not withdrawn from them the protection afforded by our troops. He trusted that, not fearing the temporary unpopularity which there had been endeavours to excite against this measure, the House would act on the sentiments expressed during the last six years of every statesman in the country, that the opinion of the Duke of Wellington was sound when he declared that without a measure of this kind the condition of this country was most precarious.

Mr. LAW HODGES would not have risen to take part in the debate did he not feel that from his own knowledge he could give some corroboration to the principal objections raised against the provisions of the Bill ; but, more than that, from being convinced by the great number of petitions presented against the measure, that it was obnoxious to the wishes and feelings of the country. He was quite convinced that the objections to a Militia Bill did not arise from any abatement of the loyalty of the people, or of any indifference on the part of the people towards the welfare, honour, and national security of England ; but from their recollection of the severity of the ballot system practised during the last war. He would confine himself to what passed within his own knowledge, for he had been in the militia service in 1798. The regiment in which he served was sent to Ireland during the troubles that prevailed there in 1798 ; and in 1799, when they returned to England, an order was sent down to send 500 men from the regiment to join the line. The consequence was that the commanding officer wrote immediately to the clerk of the peace for the county that 500 vacancies had occurred, to supply which a ballot was requisite. Now, the bounty to be given at that time was 10*l.* for these volunteers to enter the line. They were now told that by giving a bounty of 6*l.* a head, they could get the number of men required. Perhaps that might be possible ; but what was the fact at the time to which he had referred? Why that as much as 60*l.* had been given for a substitute, and such high bounties will again be required to escape personal service whenever war occurs; and it was the recollection of such things as that which indisposed the country again to return to that system. He could not help also remarking, that the money so spent appeared in no public account. The money so expended amounted to many thousands a year ; for enormous sums were paid for substitutes to supply the vacancies caused by volunteering and desertion—indeed, he thought he might say that an hon. Friend, whom he then saw in the House, could corroborate him in saying, that the money so expended amounted in the aggregate to millions. At the time he was speaking of, not one man in twenty was serving in person; and the main objection to the ballot then, as now, was, that whenever war happens it will entirely dry up all the ordinary recruiting sources of the line ; and it was but natural that the people should apprehend that what happened then would occur again. He was no less anxious than other Gentlemen to defend the country ; but he thought the House would do well to consider whether some other measure could not be brought forward, and some other mode adopted to secure all needful protection to the country. Owing, he thought, to the reasons he had alluded to, and on the grounds he had mentioned, a resistance had arisen against the present measure which would not subside ; for the country thought that, if it were carried, it would lead hereafter to the same pressure of the ballot system as before. So great was the temptation offered to the poorest class in the country by the enormous sums given for substitutes, that it caused an amount of desertion such as could hardly be credited. At one time, there were more than 500 deserters from the regiment to which he (Mr. L. Hodges) belonged. Whenever they were apprehended they were punished for their crime; but the temptation could not be withstood, and he had known men desert even from the hospital, and enlist in some distant county. He trusted the House would not, by sanctioning the present Bill, expose the people to similar temptations and similar evils, and upon that principle he would vote against the Bill.

Sir ROBERT PEEL: Sir, with the particular views which I entertain on this important subject, and believing, as I firmly do, that my particular views are of no singular character, but are shared, as they ought to be, by the great majority of the people of this country, I ask the attention of the House while I make a few observations. I have listened with much attention to the observations which hon. Gentlemen have addressed to the House during the course of this discussion; and at once, without any further preface, I beg entirely to dissent—I beg entirely to dissent from and to contest the political expediency and the practical necessity of this measure, upon which we are now called upon, if not to register our votes, at all events to explain our opinions. But as I am aware that by such contestation, by such difference of opinion from what appears to be unfortunately the sense of this House, I am, as a representative of the people, entailing upon myself some responsibility—as I am aware that by such contestation I am thereby venturing to call in question the deliberate judgments of those whose opinions as experienced statesmen are doubtless entitled to much weight, —I hope to be able to give that explanation of my views and sentiments which, on these grounds particularly, I am desirous of submitting to the consideration of those who, equally with myself, having an independent duty to discharge, are not to be influenced by any other motives than those springing from a desire to promote the real interests of the people, and to secure the national independence. I should wish, however, the House and the country clearly to understand—lest in advocating these my opinions here on this subject, others may be attributed to me which I altogether repudiate—that I entirely separate myself from those who, entertaining doubtless opinions similar to myself, in regard to this measure, entertain in in reality very opposite notions as regards our great military and naval establishments. It would be in opposition to any vote of mine were those establishments—expensive as they are, exorbitantly expensive, and capable of much economic retrenchment—in any way permanently reduced. I place no faith whatever in what is called "the universal brotherhood of man," nor in the possibility of the adjustment of the differences of nations by arbitration. Human nature will ever be swayed by the same passions, the same ambitions, the same lusts of conquest, which have ever, in the history of empires, marked the progress of mankind; and therefore it is that in my opinion it would be an ill-judged economy, a dangerous experiment, to attempt to give practical illustration to the doctrines of those Gentlemen who would wish for the reduction of our national establishments, naval and military, in anticipation of the advent of some such fraternal era as what they talk of. I entirely repudiate such doctrines: and it would be ever in opposition to any vote of mine, against my wishes, and I should see with much mistrust any attempt which might endanger the national independence, by sacrificing to these erroneous doctrines. But I think the House will agree with me that there is no subject capable of producing more serious embarrassment to the domestic discipline and economy of a nation than that resulting from an idea of the insufficiency of the national defences to maintain the national independence; and certain it is, that in the discussion of a subject of such very great importance to us all, that temperate deliberation in Parliament, which on all occasions is so necessary, should particularly now prevail, in order that the public mind out of doors may not be swayed by unfounded fears, or carried away by overweening confidence, and blinded to the reality of our position. It is, therefore, that I think the conduct of the late Government—with all due respect —is open to much censure—I think their conduct to be highly reprehensible, in creating and fostering an ignominious panic of foreign invasion. I regret that the noble Lord the Member for Tiverton (Viscount Palmerston), for whom I personally entertain great political sympathy, and, may I be permitted to add, personal regard, should have given the weight of his experience and the sanction of his authority to this vain display of military organisation—that he should have consented to saddle the people with the maintenance of a force which circumstances did not justify, and which his own experience of European policy must have told him to be idle, futile, and unnecessary. The improvements which skill and science have introduced into the art of war—the rapid locomotion by means of steam power—and the consequent possible rapid concentration of forces on any one given point, are subjects of very serious moment for the consideration of the Governments of all nations. But I maintain that the relative position of this country has in no wise altered by these improvements; and that it does by no means follow, that because we have been in the habit for years of voting these large sums of money for our national defence, we should therefore now give our sanction to this increase of the burdens of an already overburdened population—and that we should consent to vote the sum of 1,200,000*l*. for this purpose, when I, for one—doubtless many in this House—certainly many in the country, ignorantly, as it appears—were under the impression that the Government had ample means at their disposal already, through the liberality of Parliament, and the prolonged peace. But, whatever improvements other nations have introduced into the science of war, have not we—or rather ought not we equally to have profited? True it is that we as a nation excel in other arts than those of bloodshed and oppression; but what is there in the art of war which other nations may have learnt, which we have not equally within our most ready grasp? Yet we, the people of this country, are suddenly and unexpectedly to be told by a Government in the very last gasp of its political existence—a Government having had a tenure of office for five years—a Government succeeding to the Administration presided over for years by Sir Robert Peel, and singularly felicitous in its relations with foreign Powers—we are to be told by this Government that the national defences are inadequate to preserve the sacred shores of Britain from the devastating bands of invading battalions. Away with the delusion—away with this ignominious panic of foreign invasion! I maintain, as I have already said, that the relative position of this country as regards other countries never was better than at the present moment; and therefore it is that I regret to see that Parliament should be sanctioning this large expenditure of 1,200,000*l.* for the purpose of voting additional men to our already large standing armaments. I think it is our bounden duty here as representatives to be very cautious how we deal with a subject of so much difficulty as this. We ought to bear in mind that these great military establishments rather impoverish a country than protect it. And particularly we ought to be careful lest, in making at best but moderate soldiers, we are not furnishing dangerous citizens. I am sure I could point out many other ways in which 1,200,000*l.* could be disposed of far better than by this vote, and from which Parliament would derive much greater satisfaction; and which I am quite sure would leave the country not by one jot or tittle less capable of defending itself against a foreign invasion than if these 80,000 men were drawn up in the very neighbourhood of the metropolis. But, whatever blame or credit attaches to the measure in the eyes of the country, it ought justly to be attributed to the late Government. They it was who examined into the necessity of its application, and the propriety of its adoption. They recommended the plans which have been more or less adopted by the present Government; and it would be unjust and impolitic to charge the present Administration with the egregious blunder of their predecessors. They succeeded hastily to power upon the spontaneous combustion of their adversaries; and I think it is quite natural to suppose, that with scarce sufficient time to look about them, and imagining of course that the late Government had most powerful reasons for proposing this measure, they should refuse to adjourn its discussion, or to take upon themselves the responsibility at once of a totally different course. And now, as almost every hon. Gentleman who has addressed the House during the last three or four weeks has taken an opportunity of speaking with reference to the present Government, in elucidation of his own political views, if the House will permit me for two or three moments, I ask a similar indulgence for myself. I admit personally that I see with no unwilling eye Lord Derby at the head of the Administration of the Government of this country. I think that noble Lord is in a position to head an Administration based upon liberal conservative principles, containing the elements of real prosperity to this country. As an orator, we know he is unequalled; as a statesman, let us hold him open to conviction—for no man, however, eloquent, can hope to remain long at the head of public affairs in this country, or even for any length of time to maintain his position as a public man, unless he is prepared to mould his political creed—I don't say hastily or without due consideration—but unless he is prepared, after due consideration, caution, and observation, to mould his political creed according to the exigencies of the times, and the temper of public discussion. I feel perfectly convinced that Lord Derby sees the necessity—that he acknowledges the necessity of maintaining intact that commercial policy, the expediency of which he may have hitherto, and which he has hitherto unquestionably doubted. It remains with him—it remains with you—for ever to obliterate from the catalogue of political denominations those political distinctions which have hitherto existed—existed particularly amongst the members of one class, the owners and occupiers of land. It remains with you now to tell the people of England that the policy of free trade is irrevocably secured—it remains with you to assure the people of England that the policy of free trade is irrevocably secured upon the consent and the unanimous admission of all political parties in this House. If the Government do this, I think that the sympathies of the country will carry them triumphant through the next Parliament. But suppose they do not—however it may be—in the firm, unflinching adhesion to my own political opinions, I take my stand here as a liberal conservative-free trader. I propose, as a liberal conservative, to give my support to an Administration presided over by Lord Derby, on all occasions affecting the real interests of the country, until I see an attempt made to subvert, to blunt the edge of that policy inaugurated in Parliament by Sir Robert Peel, sanctioned by the Legislature, confirmed and approved by the country. Until I see an attempt to subvert that policy which has endeared to the affectionate recollections of tens of thousands of my fellow-countrymen the name I bear, I shall give, as a liberal Conservative, my adhesion to an Administration presided over by Lord Derby. But though I do this as a liberal Conservative, I have a right to ask, as a Member of the House of Commons, as a representative of the people, what are the reasons for this extraordinary peace establishment which it is now proposed to set on foot—where are the circumstances which should render an invasion probable? True, the Government have opportunities of ascertaining the drift of public affairs better than we, who are not called to participate in their labours. But if we have not those opportunities, we have the means of judging for ourselves. The intentions of Cabinets are no longer confined, as formerly, within their ancient narrow limits, but admit now-a-days of public appreciation, and are liable to be sifted by public opinion. From these opportunities I have sought information; and for the life of me I cannot divine the reason of these immense preparations. It is true, that with Prince Schwarzenberg ruling in Vienna, and with the noble Lord the Member for Tiverton (Viscount Palmerston) hastily rusticated from office, there might have been some apprehension of difficulty; but these difficulties, if they existed, have now sensibly diminished, if they have not altogether disappeared, and left not a ripple on the muddy waters of European politics. The only possible plea for adding to the existing defence as afforded by our military and naval establishments, is, we are told, the possibility of a sudden invasion by means of the facilities of transport which the invention of steam may have placed in the hands of any unscrupulous adventurer or despot. But I believe, if such an attempt were made, it would end in our administering a repetition of the humiliation which all those have experienced who have had the hardihood to enter upon a contest with this country. What, I should like to know, is meant by the term "sudden invasion," which is so often used, but with little consideration? The noble Lord the Member for Tiverton has defined it thus: "We have to provide," he says, "not against a danger which may happen in six or eight months, but which may happen in a month or a fortnight from the time when it is first apprehended." I ask the House, and I ask the country, is it possible to admit this definition of the noble Lord? Let the House for one moment figure to itself the noble Lord sitting in Downing-street with all the threads of European diplomacy, concentrated, like so many electric wires, in his Cabinet, and let the House then figure to itself the surprise of the noble Lord on being told that that day fortnight 150,000 men were to be landed on the shores of Britain. Do you think the noble Lord believes this to be possible? Not at all. If it were possible, what, I ask, becomes of all the agents of diplomacy, whom a celebrated writer, Mr. Burke, has called "licensed spies?" What becomes of these "licensed spies," whose duty it is to promote harmony and good feeling between the Government to which they are accredited, and that which they represent, or, failing that, to give their own Government timely information of any such premeditated schemes of "sudden invasion?" I have been myself one of these licensed spies, as they are called, for four years, and I had therefore an opportunity of judging in this matter; and I maintain that it would be impossible so to evade or blind the vigilance of these agents, that they could remain ignorant of such an intention if it was meant to be carried out. But if the agents of diplomacy can be deceived, there is the press of this country; and from my own personal knowledge I can say that the press of this country is singularly hazardous in their determination to acquire information, and singularly accurate in the information so acquired, which it has frequently the opportunity of communicating to the public before the Government itself has received official intimation of the same.

But supposing it was even possible to evade the agents of diplomacy and the vigilance of those active gentlemen who obtain information for the press, there is a third agency which it is perhaps still more difficult to evade—one even more sensitive to the apprehension of danger—the agency of commerce. There are those commercial relations which bind, with golden links, the interests of nations more firmly together than the diplomacy of Cabinets and the intrigues of statesmen can ever hope to effect. Any rumour of war would communicate itself at once as if by an electric wire to all the great centres of European commerce. The merchant at Odessa, at Marseilles, and at Manchester, would receive the intelligence at the same time, and these gentlemen would not be backward in communicating the information to their respective Governments. It is quite impossible, then, that the agents of diplomacy, the press, and the mercantile world, could be all deceived, and that a sudden invasion could be made upon England on the part of a foreign Power without its being known beforehand. I do not desire to cry down or to depreciate the advantage or the intrepidity of militiamen; but if there was danger now, I would prefer to see 10,000 men added to the standing Army, and an increase of our steam navy, than this enlistment of militia. I think the country would be more efficiently served, and that there would be less derangement to the domestic economy of the country. But then comes the difficulty and danger of increasing the standing Army. In 1841 Sir Robert Peel thus spoke in reference to the danger of such a course:—

> "What is the advantage of one Power greatly increasing its army or navy? Does it not see, that if it proposes such increase for self-protection and defence, the other Powers would follow its example? The consequence of this state of things must be, that no increase of relative strength will accrue to any one Power, but that there must be an universal consumption of the resources of every country in military preparations. They are, in fact, depriving peace of half its advantages, and anticipating the energies of war, whenever they may be required. I do not mean to advocate any romantic notion of each nation trusting with security the professions of its neighbour; but if each country were to commune with itself, and ask, 'What is at present the danger of foreign invasion, compared to the danger of producing dissatisfaction and discontent, and curtailing the comforts of the people by undue taxation?' the answer must be this—that the danger of aggression is infinitely less than the danger of those sufferings to which the present exorbitant expenditure must give rise."
>
> *Sir R. Peel*

This was the opinion of that great man with regard to increasing the standing army, and I think it is worthy of being inculcated in the House and in the country. But, as I have said, I have no desire to depreciate the utility of militiamen. I can appreciate what they are capable of doing from my own experience of what I have seen them do, and my experience is borne out by historical testimony. I have seen an army of 100,000 men brought from their domestic comforts and their business pursuits in the space of four weeks to engage in an unfortunate struggle, happily soon terminated. I have seen them return to their homes without bravado, and endeavour to forget in their ordinary occupations of life, the strife in which they had been so recently engaged; and the conclusion I was enabled to draw from the circumstance was, that amidst that people, there lay dormant an invisible, as it were, yet powerful array, capable of opposing a formidable barrier against hostile aggression; aye, and capable even of successfully resisting any encroachment upon their national independence. And this experience of mine is confirmed by examples derived from historical sources. Turn to the pages of Macaulay—those pages which are written with a pen which never wearies, and an interest that never flags—and you will see how the militia of Somersetshire rallied under the Duke of Monmouth, and gave proof at the battle of Sedgemoor of that native courage, unaided by discipline, which, were it needed, would again be at our country's disposal. That brave militia, though armed only with scythes, drove the royal army into disorder, and they only lost the battle from the want of ammunition and the desertion of their general. Lord Mahon, again, in one of his historical works, relates how bravely the militia acted in America, how they resisted oppression and coercion, and gained the battle of Bunker's Hill, which resulted in the evacuation of Boston. Washington first distinguished himself in Canada with a militia force, and he afterwards gained his victories of Trenton and Princeton with a force composed of militia, and hired only for twelve months. I am far, therefore, from underrating a militia; but I only value them in a country where there is no standing army. Where there is a standing army I do deprecate a militia. I believe it would be impossible to prevent that ill feeling and strife which always exists between a standing army and a militia force. It was impossible to prevent such a feeling between the guerillas of Spain and the regular Spanish army; and the same feeling existed between the landwehr and the regular Prussian army, when both were fighting in the war of independence in 1813. But there is, in my mind, this capital drawback and irresistible objection to a militia in this country—that it would derange its industry and its commerce. This would be the direct effect of the Bill now proposed, for however short a time the men might be called out; and, unless there was some imminent danger, I don't think you would be justified in taking men from their homes and from their ordinary occupations in life. It is for these reasons —and seeing that England is happily in the enjoyment of the blessings of perfect peace with all European States—that I regret the introduction of this Bill. I lament the embodiment of a militia in an economical point of view. I regret the vast expenditure of the public money, which is not justified by the circumstances of the case, nor by any political expediency. I desire to see this Bill abandoned—which it would be perfectly justifiable and honourable in Government to do—because I do not wish to see Parliament saddling the country with the maintenance of that which, so far from being a security for peace, has a direct tendency to war. And be well assured that these men will not be one iota less capable of defending the country without the summer drills—that they will not be animated with one particle less zeal when called upon by their country, if she needs them as defenders, than if they were to spend a portion of their time in preparatory militia cantonments. I am sure that if a foreign force were to attempt to pollute the sacred shores of Britain, and to carry fire and pillage throughout the country, there would be one rallying cry from every nook and corner of the island; one spirit would animate every British heart, and in countless thousands the southern coasts of England would welcome the enthusiastic homage of a nation of warriors drawn together in defence of that most sacred cause, national independence.

COLONEL CHATTERTON: Sir, as a military man, and in a military point of view, I beg to offer a few observations upon the matter now under our consideration. I am quite aware of the diversity of opinion existing, as to the expediency of augmenting the regular Army, or embodying the regular militia. I am also more aware of the unpopularity of the soldiery in this country—I well know Englishmen do not appreciate the value of a soldier, and I trust they will never learn their value, by the sad experience of a hostile force occupying any part of our territory. I am, therefore, convinced, Sir, that my right hon. Friend has exercised a sound discretion in bringing forward this Bill, and he shall consequently have my warm support; but in offering it, I shall take leave to submit a few suggestions for the consideration of my right hon. Friend. Judging and forming my opinion from the experience I have had (and it is not small), I am quite convinced the period for training and exercise is far too limited; twenty-eight days in the year is not sufficient. No Englishman, whether of the agricultural or manufacturing class, can learn anything of military duty in that short space of time. Englishmen have not that aptitude or taste for military exercises which I may almost say is inherent in every Continental nation, I would therefore recommend three months at the very least of successive daily drill. In the first year, this may perhaps bring them into something like a military shape. I would also strongly recommend the standard for the volunteers to be raised, else I fear my right hon. Friend will find his regiments—those of the first levy at least—will be deluged with a set of low dissipated creatures, with which our manufacturing districts swarm, with neither strength, stamina, or character, to recommend them; and totally unable to carry our heavy accoutrements, or the great lumbering arms with which our infantry are encumbered, much less effectively wear that weapon; therefore instead of the proposed standard being 5 ft. or 5 ft. 1 in., I would recommend most decidedly 5 ft. 6 in., or 5 ft. 7 in. be adopted. I must also beg to ask my right hon. Friend, what provision he intends to make for the defence of the most assailable and vulnerable part of the empire, I mean Ireland? At present she is totally defenceless, without sufficient of either army or navy. In the splendid harbour of the city I have the honour to represent, there is only one line-of-battle ship, a fifty-eight screw steamer, without crew sufficient to man half her guns, and so shorthanded, she is unable to go to sea. I cannot for a moment imagine my right hon. Friend doubts the loyalty of the Irish people, or fears to put arms in their hands in their own country, nor can I subscribe to a very prevalent opinion, that Scotland is also excluded from the operation of this

Bill as a panacea to calm the wounded feelings of Ireland at this exclusion. But, Sir, something for the security of Ireland must be done. My right hon. Friend must recollect that she has been thrice invaded by a hostile force, and doubtless would be so again at the first opportunity; therefore I decidedly protest against any withdrawal of any of the force at present stationed in that country, as suggested by my hon. and gallant Friend the Member for Westminster, and the hon. Gentleman the Member for Richmond. One advantage, I rejoice to find, is gained by this Bill, namely, doing away with the "militia staff," costing, as it does the country, upwards of 100,000*l.* annually. I have ever considered this force most useless, and a most profligate waste of the public money; the idea of its forming a nucleus, upon which to embody the regular militia, is a perfect farce, composed as this staff is in general of a set of fat old non-commissioned officers, whose ideas of military glory have long since evaporated—who would have to commence drill *de novo* to become acquainted with our new military system, to enable them to teach others, and be perhaps still ineffective. I pray I may not be misunderstood. I do not mean in the slightest degree to cast any slur or imputation upon the militia; on the contrary, I honour and respect that truly constitutional force. I have seen their utility, and I know their value. My right hon. Friend said, a few evenings ago, he understood some militiamen were present at the battle of Talavera, in their militia uniform and appointments. My right hon. Friend was perfectly correct. Ever since the passing of that most judicious Act, permitting the militia to volunteer into the line, the latter has been admirably supplied with excellent volunteers; and I much regret to say, I have seen many of those men in the actions in the Peninsula, where I had the first fortune to be present, lying on the battle field, having

> "Resigned their lives amidst the joys of conquest,
> And, filled with England's glory, smiled in death."

I shall never forget the splendid appearance a brigade of militia made, composed of the Royal Bucks regiments, marching through Bourdeaux, *en route* to Toulouse, just at the close of the last war, full of life, vigour, and loyalty, headed by the illustrious relatives of my noble Friend the Member for Buckingham, and my hon. and gallant Friend the Member for Montgomeryshire (I mean the late Duke of Buckingham, and Sir Watkin Williams Wynn), and I assure you, Sir, a universal regret pervaded the army that these regiments arrived too late "to be blooded" (to use a soldier's parlance), at that glorious, hard-fought, and crowning victory of Toulouse, where they would doubtless have proved that the militia, acting together, would have equalled the regular army in bravery and in discipline. I hope my right hon. Friend will excuse the suggestions I have ventured to make, and I trust the House will pardon my having occupied so much of its time in their expression.

Mr. P. HOWARD wished to explain his reasons for supporting a measure of a similar nature, when it was proposed by the noble Lord the Member for London. Considering that the responsibility of the defence of the country ought to rest upon the Executive Government, he was an humble follower of the now fallen banner, and having so far maintained that principle, he considered that he could not pursue a different course with anything like consistency. He quite agreed, if it were consonant with the general feelings of the country, that an increase of the regular Army would perhaps be a more effectual method of meeting any danger which might exist; but he also agreed with preceding speakers in thinking that the difficulty was, after all, to maintain that addition to our forces. The hon. Baronet who had just spoken alleged that considerable jealousy existed between the Prussian landwehr and the Prussian army; but he begged to remind the hon. Baronet that it was undoubtedly an historical fact, that to the landwehr Prussia owed her safety, and was enabled to recover her unparalleled disasters which weighed down her patriotic sons. Nor could he (Mr. P. Howard) forget that, in 1780, at the time of Lord George Gordon's riots, it was not to the regular army, but mainly to the Northumberland militia, that this metropolis owed its safety. He was ready to let the responsibility of the proposed measure rest upon the Executive Government, and to incur any popular odium which mght accrue to himself for supporting it.

Sir JOHN PAKINGTON: I entirely agree with the hon. Member for Carlisle (Mr. P. Howard) that the course which he is about to take is far more consistent than that which has been announced by some of the hon. Members who preceded him. Amid the various rival schemes on the paper to-day, and among the different objections that have been urged to the measure, I have been particularly struck and gratified to find that no hon. Member has attempted to grapple with the proposition urged in terms so remarkable in that letter of the Duke of Wellington, in 1847—a proposition which has been adverted to this evening by my hon. Friend behind me (Mr. Newdegate), and which on more than one occasion has been urged on the consideration of Parliament by the noble Lord who was at the head of the late Government, and which has now been brought forward by the present Ministry—namely, that the defences of this country are not in such a state as in common prudence they ought to be. I do not know how far the hon. Baronet the Member for Tamworth (Sir R. Peel) is to be considered an exception; but I am sure he will forgive me if I say that, supposing that to be the hon. Baronet's view, I must look to the Duke of Wellington's opinion as of more weight than the view which the hon. Baronet has submitted to the House on this question. Looking to the state of Europe, and to the condition of the internal defences of this country, I think there are few persons, if any, who will deny that in common prudence we are bound to place those defences in a more satisfactory state than that in which they now are. I believe I may say with equal confidence, that on both sides of the House, and undoubtedly among the leading political men of this country, there does prevail a very general opinion that the most constitutional and best mode of providing for defence is, in some mode or other, by the old and tried one of a militia force. I must confess that I listened to the speech of the hon. Member for Leominster (Mr. F. Peel), with great surprise. The hon. Gentleman was a Member of the late Government, one of those Gentlemen who sat behind the noble Lord opposite, when from this side of the House he urged in strong and eloquent terms a proposition on the subject of the militia, to which he took no exception. The hon. Gentleman was at that time a supporter of the late Government, and was, I suppose, prepared to support their measure by his vote; yet now the hon. Member declares that he is wholly opposed to the very principle of a militia. The hon. Member for Richmond (Mr. Rich), who to-night seconded the Amendment in a speech in which he declared that although he differed from the gallant Officer who moved it, he was prepared to vote that the Bill be read a second time this day three months, he also was a Member of the late Government, and prepared, I suppose, to vote with them on the occasion I have referred to. That, Sir, is somewhat encouraging to Her Majesty's present Ministers, for it shows the effect of good discipline—that those hon. Members were prepared to support the Government although they were opposed to a militia. One of the objections of the hon. Member for Leominster to a militia was, that it would encroach on the industrious habits of the country. I think this mode of opposing the measure is open to the strongest objection. The first duty of the State, and of every citizen of the State, is to take care that property be protected—as that duty was involved in the principle of a militia. If the hon. Gentleman will look to several countries in Europe—above all, if he will look to the United States, a country which, above all lands, he will admit to be a land of freedom, and one in which the rights and habits of industry are cultivated and cared for as much as in any other nation, he will find that in that country, for the sake of the commonwealth and the common interests of the country, a very stringent militia law exists. For the most part the hon. Gentlemen who have spoken in this debate did not object to the broad principle that our defences should be strengthened; but they put forward a variety of proposals, differing from each other, and rather tending to show, not that there is any serious fault in the measure of Her Majesty's Ministers, but that Gentlemen opposite are disposed to make any objection which they can. The hon. and gallant Gentleman moved the Amendment in a speech which, in the first part, went strongly to support the measure of Her Majesty's Government—with his long experience as a military man he was not prepared, he could not get up and state that the defences of this country were in his judgment what they ought to be. The only course open to him, therefore, was to draw a comparison between the present measure and the measure of the noble Lord. One, he said, was general, the other local; under one the men were not to be moved out of their districts, in the other they were; by the one the period of service was to be four years, by the other it was to be five years. Thus between such paltry points a broad question for improving the defences of our common country was attempted to be met; and then the hon. and gallant Gentleman, acknowledging that our forces are not such as to enable us to defend all points of attack, suggested the strengthening our defences by recalling the troops from our colonies. Now, I hope and trust the House is not prepared to take that most objectionable course. It is not a patriotic way of arguing the question to say that because we are weak here, we should, to strengthen ourselves at one point, weaken our defences at a distance. I am sure this view would not find acceptance either with the House or with any very large number of the people out of it. The hon. Member for Richmond, though he differed from the hon. and gallant Member for Westminster, offered an argument which I confess I heard with surprise from a Gentleman professing popular views on political questions. The hon. Member said that we ought to be afraid of placing arms in the hands of the people; that disturbances and riots might arise, and then we might regret having placed arms in the hands of the people. I must beg to tell the hon. Gentleman that I have no such fears. Nor can I subscribe to the other objection of the hon. Member, and which I have seen adopted into some petitions, that if we embody the militia on the plan proposed, we should only encourage drunkenness and bad habits among the loose and debauched portion of the population. It is impossible to say from what class the volunteers might be obtained. It may be that not the best characters may be induced by the bounty to come forward. But even if that should be so, I put it to the sense of any man whether the beerhouse was not open to those men at the present moment, and whether the habits of military discipline were calculated to make them worse subjects or worse citizens? Amongst the variety of schemes on the paper, the right hon. Member for Manchester (Mr. Cobden), the benefit of whose views we have not had to-night, seems to say that he does not wish to postpone the Bill altogether—he does not seem to differ upon the principle, but leaves it to be understood that he thinks it better to put any measure on the subject off to the next Parliament. And then comes, to the greatest surprise of all, the notice of the hon. Member for Westbury (Mr. J. Wilson), that any addition to our military force should be in the shape of an addition to our regular Army. I read this Amendment with very great surprise, and I think I can picture to myself the language and the manner in which such a proposal would have been received on the other side of the House, if Her Majesty's Government had come down to Parliament, and said that they thought the defences of the country were not such as they ought to be, and that, therefore, they recommended an addition of 20,000 men to the regular Army. I, for one, should have the greatest objection to that mode of obtaining the object which the Government has in view. I do not mean to say that our regular Army in various parts of the world is as strong as I should wish to see it; but looking merely to the security of our own shores, I think that object will be better attained by the embodiment of a militia, than by a comparatively small addition to the regular Army. It has been forcibly urged that an addition of 10,000 men to the line would cost as much as would give the country a force of 80,000 or 100,000 militiamen. Besides this argument, there was that which had been urged by the noble Lord the Member for Tiverton (Viscount Palmerston), namely, that when a portion of the regular Army has been disbanded it cannot be re-embodied; whereas that could be done with the militia, and without any expense until it was embodied. I will remind the House also, that, looking at past experience, no force is more to be easily recruited, or can be collected with more expedition, than the militia. I think these arguments ought to be conclusive in favour of the proposition of Her Majesty's Government, as compared with the project of an addition to the standing Army. I have not heard, on this occasion, any argument put forward upon what are called the principles of the Peace Association, which are generally advocated by the hon. Member for the West Riding, who contends that all national disputes should be referred to arbitration, and that trade is a better weapon than arms. I can understand Gentlemen who entertain these views objecting to any plan like the present; but those who admit that this great country is not defended as it ought to be, ought to put forward some stronger argument for rejecting the measure of the Government, than any which have been yet urged. I maintain that the proposal of Her Majesty's Government is more free free from objection than any other that can be proposed for the revival of the militia. The noble Lord opposite has proposed more than once, with the concurrence of Members on this side, that the militia should be embodied. In

1848 the noble Lord came down to the House and made a proposal to that effect; though I am sorry to say that the noble Lord afterwards abandoned that proposal on financial grounds; but the noble Lord distinctly stated, both then and afterwards, that the state of Europe made it desirable that the militia should be re-embodied. This year the noble Lord made the same statement, and met with no opposition from this side. The only difference which arose during the present Session related to the principle on which that re-embodiment should take place. We supported the Amendment of the noble Lord the Member for Tiverton, and expressed our disapprobation of a local militia, which was only called into existence in the beginning of the present century; but to the noble Lord's proposal for a militia we made no objection whatever. The Government trusted that, according to their plan, the volunteers will be so numerous that there will be no occasion to resort to the ballot. We have brought forward a plan which we believe will strengthen the defences of the country by a large reserve, in the most economical manner, and with the least possible derangement to the industry of the community. I hope that if the Bill is to be opposed, it will be met by some arguments of a graver character, and more worthy of attention, than those which the House has yet heard. The Government have brought forward on their own responsibility the measure they think best, and it will be for the House to say whether they will take upon themselves the responsibility of continuing the defenceless state in which the country now stands—a state rendered more important by the present critical position of affairs in Europe. A grave responsibility rests upon the House. At all events the Government will have discharged its duty; and I, for one, am not prepared to accept the responsibility of withdrawing the measure which has been proposed.

Lord JOHN RUSSELL: Sir, if I were one of those who think that the country requires no additional defences, I should probably be ready to consent to the second reading of this Bill. I might say that although the measure was not required—although it would cause a waste of money—although it was a needless effort—yet as no great mischief can arise from it, and as the Government had brought it forward on their responsibility, I was willing that it should be read a second time, and on their responsibility I would leave it to rest. But it is because I feel that the country requires further defences —because I think that its defences ought to be better organised than they now are, that I cannot consent to the second reading of this Bill. Sir, I oppose the Bill on the ground that I believe it would prove, as a measure of defence, an utter delusion, because I am convinced that we should find at the end of a year or two that it had utterly failed to give any security to the country, that I object to the adoption of such a measure by Parliament. I object to the Bill for the same reason which would induce me to object to putting into the hands of infantry muskets which would burst, or into the hands of cavalry swords which would break. I object to the Bill, because, if you are not providing for the efficient defence of the country, it is doing mischief to persuade Parliament and the country that you are providing for the defence of the country. Now, Sir, I must beg the House to listen to me while I state what I conceive to be the danger to be encountered, and what is wanting for that purpose in the present measure. I wish to state what I think is the danger to be encountered, because I do not wish to be mixed up with those who entertain apprehensions of the sudden arrival in this country of 50,000 hostile troops in a single night, without notice of any kind being received in this country; or that we shall hear of an army marching up to London without our having had any previous symptoms of hostility. These are notions which are founded upon panic, rather than on reasonable calculation. Sir, I proceed only on the ground that we have near us a powerful nation with which we have been engaged in war four times during the last century. About a century ago we went to war with France, because she wished to obtain possession of our American colonies. About twenty years later we again engaged in war with France, because she was disposed to defend our American possessions which had declared themselves independent of us; in 1793 we once more went to war with France, because democracy prevailed in that country, and we feared the spreading of republican principles. In 1804 we engaged in hostilities with France, because she was then subject to a powerful and despotic Sovereign, and we dreaded the spirit of conquest with which that Sovereign was possessed. I cannot believe that national feeling has so much changed, that the passions of nations are so much assuaged, as to leave no probability of a war arising between the two countries. I cannot believe that France will readily enter into war with this country, but still I cannot say it is impossible. Some preparation could no doubt be made, but the question is whether we should have, in case hostilities broke out, that time which we have hitherto had for preparation against invasion. Then the question arises—what will you do to protect yourself against invasion, in the event of hostilities occurring? Those who look to the history of former wars will find that they occurred more than once at a time when we were ill prepared for hostilities; when our naval and military establishments were at an exceedingly low point; and that it was not until the second or third year of the war that we were able to make any great efforts against the enemy with whom we had to contend. Can we say that we shall have equal time for preparation now? If we examine what has been going on in the world of late years, I am afraid we must come to the conclusion that the arts of war as well as those of peace have been much improved; and it is the opinion of all professional men that the operations of the armed force of nations will be more speedy and at the same time more destructive than they were formerly. If that be the case, if that statement cannot be denied, it will not be sufficient to refer to the fortunate chances which have hitherto saved this country from invasion; it is not sufficient to refer to what we have done in former wars, to the safety of this island, to its immunity from attacks, to the forces by which invasions have been repelled, to the forces of the elements, which have no longer that power which they had in 1804 and 1805 to repel an invading force. Steam has now triumphed over the elements. All these precedents fail us, and we are free to confess that the means of invasion are now much more in the hands of those who are now disposed to make war. Well, then, Sir, if that is the case, what should be the means by which we should endeavour to meet any attack? But here let me say again, as I should not wish to exaggerate the causes of hostility, more especially the present causes, so I do not wish to exaggerate the sort of invasion to which we might be exposed. I believe that if armies of 60,000, or 80,000, or even 50,000 men were to be prepared, that that preparation must take a considerable time, and that we should have the means of preventing any such invasion taking place. But there might be a much less force. There might be 5,000, 10,000, or 15,000 men landed at some part of the coast, and at the same time there might be 4,000 or 5,000 landed by steamers on some other part of the coast. Well, then, the question arises, what force have we to meet such attacks? and the answer must be, although my hon. and gallant Friend near me seems to think that our force is much greater than I estimate it—that we have not a sufficient force to meet the circumstances of the case. It appears that we have, including the Guards, but 24,000 infantry in Great Britain, and 17,000 in Ireland, in all 41,000. As to bringing over these 17,000 troops from Ireland, I think any Executive Government would hardly venture on such a measure, seeing that, if there was an invasion of this country, nothing would be more likely than that it would be followed very soon by an invasion of Ireland also. To do so would be taking a most improvident course, and one which would probably be attended with very calamitous results. I must come, then, to the conclusion that the 24,000 infantry in Great Britain, and the 17,000 infantry in Ireland, with a force not very considerable of cavalry, is not sufficient to meet the evil with which we should have to contend. Here I must, at the hazard of wearying the House on that subject, refer to the measure which the late Government proposed, with the view of providing the means of additional defence. The right hon. Gentleman who spoke last, as well as some others who preceded him, seemed to be in some doubt as to the character of that measure, saying at one time that there was but little difference between that measure and the present—though, if it be so, I may ask how was it that they would not allow the late Government to introduce their Bill, there being so slight a difference between them?—or, if they take the other side and say there is a difference of principle—which, indeed, I believe to be the true state of the case—between this measure and the one which we were prepared to introduce, then how can they object to our viewing the measure with as much repugnance as they received ours? Now, in considering this measure which I proposed to introduce, it seemed to me, and to those who approved of it, that there are two ways in which men may become very good soldiers and fit to defend their country. The one is when men of high spirit and character, moved by some strong religious or political feeling, or excited by the love of their country, or by any danger imminently threatening their country, are induced to become soldiers. Of that description of men was the force which Cromwell, with his usual sagacity and knowledge of mankind, raised and commanded himself, and which he brought to a state of discipline that enabled him to defeat the bravest and most spirited Cavaliers of the Royal force. Of such a description was the force of 400,000 men, who, at the beginning of this century, started up as volunteers to defend this island against what they believed would be the invasion of a despot who would destroy our independence. Of such a description of force were those who of late years, in Hungary, fought in defence of their country when they were attacked by the whole force of Austria and Russia. Most powerful armies have been raised in that way; but there is another mode in which our soldiers have usually been raised, and our army constructed; and that mode is by taking young men of unsettled dispositions, who have a love of military adventure, who have not, perhaps, any decided character, but who, by military discipline and habits of subordination, are brought to be excellent soldiers, and ready to perform the greatest feats of arms. With respect to this latter description of character, we have some information from an authority who has been quoted to-night, and whose words I will lay before the House. It is a man who you would have thought was commanding such troops as I have mentioned—men excited to the greatest degree of enthusiasm by the danger to which their country was subjected—I mean the Americans during the war of independence. Washington says of men like these—"It takes you two or three months to bring new men acquainted with their duty; it takes a longer time to bring a people of the temper and genius of these into such a subordinate way of thinking as is necessary for a soldier." And, again, "To bring men to a proper degree of subordination is not the work of a day, a month, or even a year." To the same effect, in one of Mr. Pitt's speeches at the commencement of this century, we find him saying that six weeks or two months is the least that any military man requires to make a soldier. Now, these being the different ways in which soldiers are made, our Bill went on the principle of taking men of spirit, and of independent character, and asking them without any bounty to become part of the militia force of the country; but as this kind of service is a very great hardship on the community, soften it as you will, seeing that it diverts men from the walks of industry, we endeavoured to temper its conditions with every sort of alleviation that we could devise. In the first place, we said we will not take married men—we will not take men from the age of 25 to 35, most of them married and settled in life—but we will take young men from 20 to 21 years of age. For the first year we proposed to take men from 20 to 23, but after the present year no man should be liable to the ballot until after he had attained the age of 20, or after he had attained that of 21. This made a great limit, and confined the ballot to a class of men who were not settled in life, to those who might undertake service for a short time and afterwards engage in industrial occupations. In the second place, we said, these men in ordinary circumstances should not be moved out of their own counties. We did not propose to take them to a distance; but, in the third place, we said this, that even in the case of invasion, or of imminent danger of invasion, they should be taken for six months, or at most for one year only, to defend their country. Now, considering the age of these men, and the time they were to serve, I think there was much alleviation of hardship in these three conditions; and that you might expect, in the case of invasion, that such men would not object to go for one year away from their homes; they would then have their places supplied by the regular Army, and would then be able to return and take to such trades and occupations as they wished to follow. So convinced was I of the necessity of putting in conditions of this kind, and not resorting to the regular militia, with its old form of ballot, that when the noble Lord the Member for Tiverton proposed to resort to the old form of militia, I declared at once I would be no party to introducing such a measure. I said it was no slight or insignificant alteration that was proposed to the House, but a change of the whole principle of the measure; that I would not introduce it myself, and, if introduced by another, that I would feel myself at liberty to oppose the second reading. Now let us consider the measure that has been introduced by the Government; it is a measure the more worthy of our consideration, because it is the first coin we have had from the golden ore from which the noble Earl at the head of the Government seemed to think he would derive such great riches. I must say, however, that in the present case there is considerable alloy, and that he will hardly find it of such value as he supposes. In the first place, this measure loses the advanage of either of the principles which I have mentioned. What I say is, either form a force that you can depend upon from their high spirit and great love of country, or on whose enthusiasm and moral energy, from whatever source, you can rely; or else form soldiers by dint of discipline, not caring from what source you get them. But in the present case you have neither the one advantage nor the other. In the first instance, the motive you propose is entirely mercenary. You recommend that 6*l.* of bounty shall be given to those who volunteer. By offering this 6*l.* you will naturally get those men who are most in want, who are most needy, who have the least settled habits, and who have the least prospect of rising in the world, or obtaining sufficient wages to enable them to live in comfort. Such men, no doubt, do make excellent soldiers; they are every day making excellent soldiers; but it is because they are subjected to the discipline of the army. When a man who indulges in a restless disposition, and habits of idleness or drunkenness, is brought under the excellent discipline of the army, he is taught that when on duty he must be sober, when on guard he must be vigilant, and that at all times he must be obedient; and thus the restless and unsettled young man of 18 becomes at 20 an excellent and obedient soldier. What he becomes, indeed, has been seen very lately in the accounts we have of those brave men who, when the unfortunate vessel in which they were was sinking, willingly sacrificed their own lives rather than run the risk of endangering the lives of women and children. Such is the soldier made by discipline. But you expressly avoid this advantage. Having got the man whom you can obtain easily by money, whom you may pick up where you will—for there is nothing in the Bill to say he must be a settled inhabitant of any particular place—having taken that man you drill him for twenty-one days, and then let him off to have recourse to his former habits, and to relapse into that unsettled and restless mode of life that induced him to enlist. The first impression that strikes one is, that this man will never be a good soldier, and that in the case of your calling him out to drill any day you may probably not find him; that the same habits and want of money that induced him to accept your bounty has led him to go somewhere else—to work, perhaps, on a railway in Canada, or to serve, it may be, in the militia of Illinois or Arkansas. Let me ask this House, is that a force upon which this country can safely rely? Now, supposing that some 80,000 men landed in a distant part of this island, and suppose that the Commander-in-Chief of the Forces should wish to keep what army he had at no great distance from the capital and from our southern coast, would it be safe or wise to collect 10,000 or 12,000 men of this character whom to oppose to a force disciplined in the highest degree, who had been in Algeria, in the actual practice of war, and under an able commander, prepared to attack any army that may be brought before them? I believe you will be totally deceived if you expect good service from such men. It would be quite a different thing if you had the men whom we proposed by our Bill—men of a very different character, settled in their different places of abode, and who, when drawn for the service, would enter upon it with a proper motive and spirit. But then there is another part of the Bill to which I must refer—that which contains the ballot. I should say of the Bill that it consists of two parts, one of which is inefficient, and the other oppressive. All the beginning part, which offers this money of 6*l.* for bounty, or 2*s.* 6*d.* a month for volunteers, by which you might get a pauper militia, is certainly not oppressive, but would be inefficient. But when you come to the other part of the Bill—to the ballot—you have then a ballot comprehending persons from 18 to 35 years of age, which would therefore interfere with persons engaged in all the various occupations of the country, and which takes the married men who are already successful in that calling of life in which they are skilled; in the case of the weaver, for instance, or any other man who has some skill in the industrious arts, you take him from his occupation and send him to serve for five years as a soldier, and thereby inflict a very great hardship on him. No man can well deny that to take a man of 30, 32, or 34 years of age, who is already settled and prospering in life, and to tell him that for the next five years he should be a soldier, that that is a great interference with the ordinary occupations of life; and nothing but the greatest emergency could justify you in so acting. I am so convinced of this, that I am persuaded, as I stated at the commencement, that you will not have tried your measure for a year without finding that the country will resist such needless oppression, and oblige the Parliament, by their remonstrances, to repeal it. I am now talking in reference to the contingency which I think most likely to happen, that though you might have a great deal of money to expend, and though, possibly, you might pay 300,000*l.* in the way of bounty in the present year for 50,000 men, yet, in the next year, you would find that you would not have a force of 80,000 men, which you expect, but would be obliged to have recourse to the ballot to supply the numbers. These, therefore, are reasons which induce me to think that the present Bill is very improperly framed for its purposes; and I am the more inclined to say so, because almost every one of the propositions in the Bill are propositions appertaining to the old militia, which the late Government considered and deliberated on, and deliberately rejected. They felt the objections I have stated, and they felt that they would be so great and so overwhelming when represented in this House, that the Government would not be able to defend such a measure; therefore the late Government refused to bring forward a measure containing provisions of that kind. The present Government, however, somewhat thoughtlessly, and without entering into the consideration of all the circumstances I have referred, and without reflection, have adopted all those propositions. A question, and a very serious one, then occurs, and it is this: Supposing it to be true, as I say, that we cannot be exempted from the danger of war, and if war arises that we cannot have the same preparation to meet it as we formerly have had—supposing some force should be required for the defence of the country (and this measure does not give you the prospect of such a force), what is the course which this House ought to pursue to supply the deficiency? I say, in the first place, that the matter is, no doubt, one for the consideration of the Government. It would not do, as the hon. Gentleman who last spoke seemed to imply, if the House rejected this particular measure, with all the particular clauses, objectionable as they are—it would not do for the Government then to say that, therefore, this House does not care for the defence of the country. It is the bounden duty of the Ministers of the Crown either to produce a measure which they think sufficient for the defence of the country, or to take the course which I took, and say, "We will no longer continue to be responsible for the government of the country." We all know that is not the course which the present Government mean to adopt. The noble Lord at the head of the Government has said that he was willing to submit to any humiliation, to any degree of affront and mortification—["No, no!"]—to any degree of mortification—rather than advise the dissolution of Parliament sooner than he thought it ought to take place. That is what the noble Earl stated, and I am going to make an inference—my own—that he intends to assemble Parliament again in October, and until that Parliament is assembled he will not think, under any circumstances, of resigning his present situation. In short, it would appear that the present Ministers are like pheasants, not to be killed until after the 1st of October. That is their position; and no vote of this House can affect their official situations. Then, I say, that they cannot get rid of the other obligation to propose such measures to the House as they think necessary for the defence of the kingdom. If they cannot—which I do not think they can—say that the present means for the defence of the nation are ample and sufficient, they are therefore bound to declare, after what they have stated, if this measure does not suit the House, that they have other measures in preparation which will be adequate to the exigency. In respect to the little I have to say, I speak, of course, only as an individual Member, without the sanction of any one but myself; but, for my part, I should not recommend the Government to make a large increase to the standing Army. I do, however, think that there are other measures, partly suggested this evening—and some which have already been partly considered—by which a much larger force might be engaged for the defence of the country than exists at present. I think a much larger force might be obtained in a little time from a proper organisation of the pensioners. That was dwelt on by my hon. Friend who spoke early in the debate, who I think assumed that we might obtain a more immediate force from this resource than from the militia. Supposing that the House has rejected the present Bill, and that the Government will not propose that plan of militia which I sketched out at the commencement of the Session (for, if that plan were proposed, I should give it my support, from whatever quarter it might proceed, as being the best measure), I then have to consider what other measures should be adopted. I should say that you cannot for some years obtain a sufficient force of pensioners, even by giving a discharge with a pension to those soldiers who have served fourteen or fifteen years; and I should say it would be advisable to have a force of some 10,000 or 12,000 in the shape of an embodied militia. The present Bill is not a measure for embodying militia, except in case of war or imminent danger thereof; but if you had 10,000 or 12,000 embodied militia regularly enrolled in Great Britain and Ireland, drilled and disciplined, then you have a force as serviceable for the object in view as the regular Army. But it might be said, that if you have this force, it would be at the same expense as the regular Army, and therefore would it not be better to have an increase of the regular Army at once? I, however, think that there would be a great advantage in having the embodied militia in preference to an increase of the regular Army. In the first place, the increase of the standing Army is liable to the objection made by an hon. and gallant Member some time since, that if the Army should be augmented by 10,000 men for one year, the next year might be a year of distress, and then there would arise a great cry for economy, and we should be called on for the reduction of that force. I do not believe, however, that if you had a regular force of militia such as I have mentioned, the principle of the militia would be abandoned, or that you would be asked to reduce that force, unless you had other means of national defence. Again, when you increase the regular Army, a great part of that increase, unless you should make provisions to the contrary, would be sent to regiments in the colonies, and, perhaps, to colonies which do not require further defence, and thus the increased number of the soldiers would not be for the defence of the United Kingdom. I certainly am not for diminishing to any great extent the force maintained in the colonies; but still the plan adopted by the late Government, and which they were about to carry further, might be proceeded with; for instance, you may diminish your force from time to time in certain colonies not being military garrisons, and thereby obtain some 6,000 or 7,000 men additional for the defence of the United Kingdom. I have gone over the garrisons in our Colonies, putting down the same number of men as at present for our military stations at Gibraltar, Malta, and Corfu, and have put down an increase for the Mauritius, which I think too small; and still doing that, but concentrating our troops, I find that in no very long time 6,000 or 7,000 men might be added to the regular Army in this country. These, with the 10,000 militia I have just referred to, and the 4,000 men proposed to be added to the Army in this year, would make a force of 21,000 men in addition to the present force; so that, instead of the 41,000 infantry now in Great Britain and Ireland, we should have a force of 62,000 men. I think that we may then assume that the 15,000 pensioners may, without any great difficulty, be increased in no long time to 20,000, and so by these means you would have a force of 80,000 men; and I think, with the artillery and cavalry, you might maintain a force of about 100,000 men in the United Kingdom. This calculation is based upon the supposition that a certain amount of embodied militia would be established; and then there is no part of the force I have mentioned, the whole of which would be effective, which might not be used at any moment, at the commencement of war, for the defence of the kingdom. I believe, also, our forces could be rendered more efficient by better arrangements with respect to our military depôts. Those who see the estimates of our forces on paper do not consider, perhaps, that part of those forces, consisting of small bodies of troops, and sometimes the skeletons of regiments just come home, exhausted by the fevers and the unhealthiness of other climates, is hardly fit for any military operations; but I think that a better arrangement of our depôts, and the giving them officers permanently attached to them, might make that part of the force more efficient than it is at present. In this way, I think you might obtain a much larger force for the defence of the kingdom than you have at present. It appears to me that the United Kingdom is the citadel of this great empire, and that therefore you ought to take means to secure it from any danger of surprise and injury. It has so happened that in the dangers to which this country has been exposed, the winds and storms have defended it, and that adverse invaders have been driven off by the force of the gales they encountered; but that in the case of the only invasion intended for the happiness of England, that of William III., the elements favoured it. In the present state of science and improvement, however, an enemy attacking our shores would no longer have to depend on the favour of the winds, and we cannot shut our eyes to the possibility that some eight or ten steamers might not be collected, carrying 1,500 or 2,000 men each, prepared to take the chance of an expedition against this country. I am persuaded, if such an event should happen, that the injury done would be far more than the immediate loss; that the people of this country, brave as they are, would be struck by so unexpected an occurrence, and if any long time should elapse before the invading force were captured or driven from our shores, that the apprehensions entertained by persons engaged in commerce and peaceful pursuits would cause an irreparable injury. Having this persuasion, I was anxious to see a good measure of defence provided. But I am extremely sorry that the present Government have brought forward a measure which I consider so objectionable. It was my intention to have supported the second reading of this Bill, in the hope that it might have been amended in Committee, and made a Bill tending to the security of the country. If that had been the case I should have been glad to have voted with the hon. and gallant Member for Lincoln (Colonel Sibthorp), who has taken that view of the merits of this Bill, that although objectionable in some prospects, he is in favour of seeing it go into Committee. But I am persuaded, that at the present time especially, while it would be most difficult to frame amendments fulfilling my views, and which yet should be consonant to the spirit of the Bill, it would, on the other hand, be exceedingly difficult for the Government to accept a measure which would require the total alteration which I think this one requires. I have, therefore, come to the opinion, thinking the measure totally futile and inefficacious, believing that it will not be a good and efficient defence to the country, that my best course is to vote for the Amendment, and against the further progress of the Bill.

VISCOUNT PALMERSTON: Sir, I had hoped that when this House was called upon to consider a measure which had been admitted in its principle at least, if not in its details—in its object, if not in its provisions—by all parties, by both sides of the House—by the Government that was, and by the Government that is, to be essential for the best interests of the country, that that measure would have been discussed solely with a view to the defence and security of the realm, and that no party feeling would have mixed itself up with the discussion of the present night. I confess, then, Sir, it is with much surprise, and with still greater pain, that I have witnessed the line which the noble Lord and those of his followers who have spoken, have thought it their duty to take on the present occasion. The noble Lord, indeed, more practised in Parliamentary warfare, has stated his objections with much greater discretion and skill. But his intended rejection of the measure is not the less positive and pronounced. But the two hon. Gentlemen (Members of the former Government) who spoke in the early part of this debate, advanced arguments and stated objections which went as strongly against that measure which no doubt they would have supported if the last Government had continued in power, as they could possibly apply to the measure which is now under discussion; and I must say I wonder the noble Lord should have finished the statement he made without reproaching his hon. Friends for their desertion of that standard under which they had fought under his command. I must beg to set right at once an assertion which the noble Lord has repeated to-night, and which he has often stated before—that he was prevented by the Motion I made and carried from bringing in the Bill which he had stated his intention to propose. Sir, my Motion produced no such effect, except in so far as it determined the noble Lord to resign. If I had proposed that his Resolution should be read that day six months—if I had proposed a negative to the Resolution—that no Bill should be brought in—then it would have been true I had opposed and prevented the bringing in of the Bill. But the object and effect of my Motion was simply to make the title of the Bill in harmony with the provisions the noble Lord himself had stated; and therefore I deny the assertion that the Motion I made prevented the noble Lord and his Government from bringing in his Bill. The late Government, after maturely considering the state of the national defences, came deliberately to the opinion that a militia force of some kind was necessary for the defence of the realm. But we have just now heard from the noble Lord that a general militia force is not the proper force—that it would be far better to have a small amount of embodied militia —better to add to your pensioners, and various other methods, by which he proposed to have 100,000 men in the permanent pay of the United Kingdom for the purpose of defending the realm. That was not the measure which the last Government, upon full deliberation, proposed, and which being altered by my Amendment, they thought the alteration was of such paramount importance that they could not think they could longer, with credit to themselves, remain in the administration of the affairs of the country. With regard to the matter itself which has called forth this discussion, I must say I think great ignorance prevails in the country, both as to the inadequate state of our defences, and as to the reality of the danger to which we are exposed. The noble Lord has very fully explained how impossible it is, notwithstanding the peaceful nature — the friendly nature—of our relations with foreign Powers, to reckon with confidence that some unforeseen event may not, from year to year, take place which may put you in a position in which you must either resent insult or injury, or submit to the humiliation of invasion. Many persons out of doors who discuss this matter seem to think the question of peace or war depends on the opinion of one party alone—that it is in the power of any country to decide whether they they should remain peaceable, or should take up arms in their defence. But that question depends, not upon one party alone, but upon those from whom aggression may be expected; and it has been stated by many hon. Gentlemen, and the hon. Member for the West Riding (Mr. Cobden), has been reminded to-night, that he himself enumerated various occasions in the course of the last few years in which this country was brought into a position in which war had become unavoidable. Now, if war be an event against the possibility of which you cannot provide, then we must consider whether as to that country especially which, without any unfriendly feelings towards it, or without at all anticipating the early arrival of an event that may place us in hostility with it, we must nevertheless regard as one of the Powers

with which possibly we may be involved in war; and we must consider whether circumstances have not occurred of late years which might have some effect on the offensive means by which we may be threatened with attack. I have heard many say, "Why alarm yourselves about the chances of war: we have never been invaded since Heaven knows when? We have during the last thirty or forty years been in perfect tranquillity. Bonaparte tried to invade us in 1804, and we all know how difficult were his preparations to make, and that it would have been easy to have defeated them." But when they refer to that former state of things as a proof we need be under no alarm as to the possibility of invasion now, it is as if a person were to tell me that, some thirty or forty years ago, it took three days and nights to come from Edinburgh to London, and that, therefore, it is impossible to come now in twelve hours; that, because, thirty or forty years ago a person in Dublin was for weeks without receiving any direct intelligence from London, therefore it was impossible now communications might be transmitted, as I have no doubt they will be, from one town to the other in as many minutes as formerly it took days, especially in the prevalence of the westerly winds. It augurs an entire forgetfulness of the improvements made in modern times for any man to argue from what happened thirty or forty years ago what might happen now. The application of steam to navigation has in effect made a bridge over the Channel, and has given the means of quick attack—an attack on a scale of magnitude such as did not exist before. Again, it is said we should know beforehand if any preparations were being made. I say you might not know; because, by the internal arrangements of railways, the distribution of troops are such that 50,000 or 60,000 men might be collected at Cherbourg before you knew anything of the matter; and those who have seen what those immense works are must be perfectly aware that such a number of men could walk from the quay into their vessels as easily as they could walk into their barrack-yard. A single night would bring them over, and all our naval preparations, be they what they might, could not be relied on to prevent the arrival of such an expedition, as no batteries or gunboats we might have on our shores could be relied on to prevent the landing of the expedition when it had arrived. The history of all times and of all nations, and the history of our own nation in especial, proves that a large force, when it is determined to land, will land against all opposition whatever. Besides, you can reckon that the invading force shall be one, and directed against which one point only? There are many points against which several expeditions may concurrently sail; one portion of the force might land in Ireland, another on a distant part of our own island, while a third, designed to march upon the metropolis, might land on the coast at any point convenient for the purpose. Our limited garrisons and troops would be, in such a case, divided and distracted; if we heard that an expedition had landed in Ireland, everybody would say, "Send all the forces to Ireland," and then an expedition landing on the southern coast would not find a force adequate to resist it. I therefore say, that the present amount of the standing Army, adding the pensioners—excellent and well-disciplined troops, but who from their condition, being men past the prime of life, have not the required activity of frame—and granting the extent of the augmentation of these, which, however, has been greatly exaggerated—but, including all, regular troops and pensioners, the amount of our standing Army, I say, is not sufficient to meet an emergency of that kind. As to the marines, on whom some Gentlemen count, they would be required to go on board ship, and cannot, therefore, be reckoned on as part of the home garrison. There are two ways in which the deficiency I speak of may be made good. We may add materially to our standing Army; but I, for one, am utterly opposed to any such augmentation. To make that addition to our regular Army would require an amount of expenditure which the country would not bear, and which the country ought not to bear. The other way is the organisation of a militia, meaning by that an army of reserve, or body of men drilled and trained only for a portion of the year, and which would not cost us one-tenth of what an equal number of regular troops would cost; so that for the expenditure for which we might have an additional, say, 8,000 men to the regular Army, we might have 80,000 militiamen organised and partially trained. Adopt the plan of adding the 8,000 regular troops, and what would happen? I'll tell you what would happen; just the same thing would happen to these 8,000 men that would happen to the colonial troops, who, being, as it is said, redundant where they are, it is proposed to have home. The hon. Member for Montrose, or some other Gentleman, has proposed to have a large proportion of the troops now in the colonies sent home, as being unnecessary in the colonies; but let them come home, and the hon. Gentleman would next propose not to keep them as an addition to the home garrison, but to disband and get rid of them immediately. And so it would be with the 8,000 supplementary regular troops I have pointed to. Supposing the House, feeling deeply for the moment the inadequacy of our permanent defences, were to agree to add 8,000 or 10,000 men to the regular Army; you would keep them this year, perhaps next year, but in the third year there would recur a feeling of economy; and Gentlemen would say, "We have had no invasion; these men were got up for invasion; as there is no invasion we don't want them;" they would be disbanded, and then, for all purposes of defence, they would be just as though they had never been under arms. They will be gone, and no traces of them will be left. But if you have 80,000 militiamen trained this year and the next, even supposing that in the third year some motives of economy, a bad harvest, a defective revenue, or some other occurrence, should induce the House to withdraw the annual vote for the training of this militia, we should still have a valuable result for our expenditure; we should have 80,000 men, partially trained, armed, equipped, enregimented, enrolled, and liable to be called out at ten days' notice, should danger present itself. I say, therefore, that 80,000 militiamen would be a more valuable addition to our military force than 8,000 men added to the regular Army. For these reasons I am of opinion that this is a good measure. And, really, what is the difference between the present measure and the measure which the late Government made a vital question? The characteristic of the measure of the late Government was, that compulsory service was the rule, and voluntary service the exception. What is the characteristic of the present measure? That voluntary service is the rule, and compulsory service the exception. The ground, therefore, on which the late Government goes in opposing the present measure is, that it is not compulsory enough; that it relies, in the first instance, on voluntary enlistment;

that it does not compel people to serve, and is not, therefore, a measure calculated to meet the occasion. I have heard of a great many meetings in different parts of the country, where objections were urged against the proposed measure; but these objections were not so much against the principle of a militia, but generally turned on the compulsory nature of the service—by which was meant the ballot. The noble Lord says that his ballot differed from the other ballot; but he has not explained in what that difference consists. This is certainly one difference: his ballot is accumulated on one class of the community, whereas the ballot now proposed is not only deferred, but is spread over various ranks. The noble Lord says that his was a discriminative ballot, the result of which would be all good men, moral men, well-conducted men, who would all return home properly to their families when dismissed; whereas the other ballot would produce only bad subjects. I am, myself, quite at a loss to conceive in what respect the noble Lord's ballot is more discriminative than any other; or how he can conceive that a plan which proposes a ballot in its nature compulsory, and which only in special instances can be avoided by substitution, can be less oppressive to the country than a ballot which is to be resorted to only in extreme cases, and those cases which in my opinion are not likely to occur at all. I have said—and, by the bye, I must request the House to bear in mind the arguments of those who proposed the last measure—that they were not altogether in harmony with each other, any more than the provisions of the Bill with its title; for while, on the one hand, the measure announced by the First Minister of the Crown went, at last, on the principle of allowing substitutes to serve, I remember that the right hon. Gentleman, then Secretary at War, and afterwards President of the Board of Control (Mr. Fox Maule) argued at great length, and evidently with a strong force of conviction, against substitution at all, saying that substitutes were good for nothing, were fellows who would pocket the money for becoming substitutes, and then, when they were really wanted, would vanish, and become altogether uncomeatable. Now, I have not such an opinion of Englishmen. I believe you would not find 80,000 men in this country who would take the bounty, and then go off to America. I may, in the simplicity of my nature, have too good an opinion of people; but I do not believe, making those abatements which must be always made for occasional defaulters in great bodies of the people—there are defaulters even in this body, sometimes, when there is a call of the House—I do not believe that, if you proceed to raise men by voluntary enlistment for this army of reserve or militia—call it what you will—you will find the men who have taken the bounty, who have been enrolled, who have taken the oath of allegiance, would absent themselves from the call of the country in the hour of danger. I therefore look on this measure as one calculated to do essential good to the State. But, even if I thought there were some portions of the measure which might be improved, this would be no reason why I should refuse it a second reading. That would be a reason why I should propose amendments in Committee. But if I believed that the defensive force of the country was inadequate; if I believed, as we have just heard, that occasions may occur in which additional forces would become necessary; if I believed that a militia force was a force desirable to have, and if I had staked my political and legislative existence on a measure to that purpose—I might think a particular militia measure might be better in some respects than the present one is, but I should vote for its second reading and pass it into Committee, in a friendly spirit, with a view to improve it; and I should not endeavour to throw the measure out, or, especially in the existing state and condition of Parliament, postpone, at all events, the initiation of a measure which in its principle I had proved, by retiring from office on the question, I deemed to be of paramount importance. I do hope that the example which has been set by two Members of the late Government will not be followed by others; I hope there are no other men, who, having been prepared to vote for a measure involving mainly compulsory service, will object to the measure before us because it is mainly on voluntary service; who, having been prepared to vote for a local militia, now object to this measure because it is based on a regular militia. The difference between the measure of the late Government and that of the present Government consists rather in name than in reality; if there be any difference, it is in favour of this measure, inasmuch as this measure is founded on voluntary enlistment mainly, whereas the other is liable to the objection that its essential basis was that of compulsory service.

Mr. MOFFATT moved the adjournment of the debate.

Colonel SIBTHORP said, that after the able speech of the noble Lord the Member for Tiverton, he should not have presumed to trespass for one moment on the attention of the House; but the noble Lord the Member for London had done him the honour of making his conduct the subject of comment, and he could not allow his remarks to pass altogether unnoticed. He would tell the noble Lord that, in giving notice of the Motions which he had done on this question, he (Colonel Sibthorp) had done so with no intention of opposing the principle of this Bill, with which he entirely agreed, but rather with the desire to introduce certain amendments into its details that would render the measure more effective. He must be allowed to observe that the noble Lord appeared to him like the dog in the manger, or the old fishwoman who, not being able to sell her own fish, cried "stinking fish" to her neighbours'.

Debate *adjourned* till *Monday* next.

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS.

Monday, April 26, 1852.

Minutes.] Public Bills.—1ª Exchequer Bills; Poor Relief Act Continuance; Sheep, &c. Contagious Disorders Prevention.
Reported.—St. Albans Disfranchisement.

MASTERS IN CHANCERY—EXPLANATION.

Lord CAMPBELL begged to offer a short explanation in reference to some words which had fallen from him during the discussion on the Bill for the abolition of the Office of the Masters in Chancery. To his great surprise and regret, he found that what he had then said with respect to the individuals who filled that office had been misunderstood. There was no class of men who could deserve more sincere respect than the Masters in Chancery—men of the greatest learning and of the highest honour—and he must say of them all, that they discharged with zeal and efficiency their important duties. What he had said on the occasion to which he alluded was not intended to reflect on their conduct personally, but merely on the system of Masters in Chancery. He had made use of an expression which certainly seemed an exaggeration—namely, that there were cases which had remained in the offices of the Masters from generation to generation—but he had had no intention at all to reflect on the Masters, or to convey an impression that they did not do with great despatch their important business. Wherever it was in their power they did use despatch, and the suitors had the greatest reason to be satisfied with them. He would give a single instance in proof of this assertion. He had learned from undoubted authority that in the year 1851 Master Tinney had made 204 reports; and upon referring to the dates of the references upon which those reports were made, it was found that 70 of the references had been made before 1850, and many of them very shortly before; 68 had been made in 1850, and the remainder had been made in the course of 1851. That showed that very speedily after references had been made, there were reports disposing of the business, and he believed that that was a fair specimen of the despatch of the Masters. But it did unfortunately happen that in some cases, notwithstanding all the exertions of the Masters, causes did stick in the Masters' office from year to year, and sometimes from generation to generation. It arose, not from the fault of the Masters, but from the system, and he heartily rejoiced that a Bill had been brought in to abolish those offices.

ST. ALBANS DISFRANCHISEMENT BILL.

Order of the Day for the House to be put in Committee, and for hearing Counsel against the said Bill, read.

Counsel accordingly called in.

The Earl of VERULAM begged to inform their Lordships that he had communicated to the Mayor of St. Albans the result of their Lordships' deliberations on a former occasion in reference to their petition that counsel should be heard at the bar of their Lordships' House against the Bill introduced for the purpose of disfranchising their borough. He had received a letter from the Mayor, in which he informed him that the petitioners were very thankful for the permission which had been granted to them to be heard by counsel; but on reconsideration they would not take up the time of the House by appearing by counsel at their Lordships' bar.

And no Counsel appearing, the House was put into Committee on the said Bill: Bill *reported* without Amendment.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 26, 1852.

MINUTES.] PUBLIC BILLS.—2° Militia Bill; Highway Rates; Ecclesiastical Jurisdiction.
3° Loan Societies.

THE LATE ARCHBISHOP MURRAY.

SIR **WILLIAM VERNER** said, he had obtained permission to ask the noble Lord the Member for the City of London a question in that House with reference to a matter that had been noticed in the public journals. A sermon had been preached in a Roman Catholic Church in Dublin—the Church of the Conception—a short time since, on occasion of what was termed the "commemoration" of the late Archbishop Murray, and the preacher was reported to have stated that the deceased prelate had been solicited by the Government of the day to accept the honour of a seat at Her Majesty's Privy Council in Ireland, as the reward of his unblemished life and his high reputation for wisdom, but that he had declined the honour. He wished now to ask the noble Lord the Member for London, whether he was aware of any such offer having been made by the late Government?

LORD **JOHN RUSSELL**: Sir, I can have no hesitation in saying that the fact referred to by the Rev. Gentleman in Dublin, and now repeated here by the hon. Baronet the Member for the County of Armagh, is substantially correct. I should not certainly use the word "solicited;" but it is a fact, that during the Lord Lieutenancy of the Earl of Bessborough it was proposed to Archbishop Murray to take a seat at Her Majesty's Privy Council in Ireland, and that the Archbishop declined to accept that distinction. I can only add, that it gave me great satisfaction to make that proposal, and that I very much regret that it was not accepted by a prelate whose character I esteemed, and whose memory I venerate.

LEGAL EDUCATION.

MR. **EWART** begged to ask the hon. and learned Attorney General whether any further proceedings had taken place, on the part of the Inns of Court, in promotion of the question of legal education?

The **ATTORNEY GENERAL** said, he was much obliged to the hon. Gentleman for giving him an opportunity of stating, for the information of the public, a few facts upon a matter of certainly much interest. The benchers of the four Inns of Court had, for a considerable time, devoted the most anxious attention to the subject of legal education, and they had at length unanimously agreed upon a plan which they believed would be highly beneficial both to the profession as well as the public. Professorships or readerships were to be established in the different societies, to be liberally endowed, and lectures were to be given, and classes formed for the purpose of instructing students before they were called to the Bar. It would be necessary hereafter for a student to obtain a certificate of having attended a course of lectures, or to be in a position to prove that he had satisfactorily passed a public examination before he could be called to the Bar; and, for the purpose of encouraging the students to submit themselves to these examinations, testimonials were to be given to those who were found to be the most proficient, and had passed the most satisfactory examination. He need not enter into any minute details of the proposed change in the system, but he hoped that the explanation he had given would convince the hon. Gentleman and the public that the benchers of the Inns of Court were evincing a laudable desire to promote legal education, and that for the future some test of proficiency would be required as the condition of being called to the Bar.

LOSS OF THE "BIRKENHEAD."

MR. **HENRY DRUMMOND** begged to ask the right hon. Secretary at War whether there was any ground for hope that Her Majesty's Ministers would recommend to Her Majesty to grant any compensation, by promotion or otherwise, to the officers who survived in the *Birkenhead* for their heroic conduct and total loss of their property in that miserable shipwreck? In order to make his question intelligible to the House, he would mention that Her Majesty had already the power of granting compensation, in such a case as he had alluded to, up to the amount of 80*l.*; and also of rewarding officers who were thought deserving by promotion. One of the officers who escaped from the *Birkenhead* was the son of a poor clergyman—he had lost everything he possessed, to the amount of 300*l.*, and it was utterly impossible that either he or his friends could make that sum good.

MR. BERESFORD said, he would gladly take that opportunity of expressing his approbation of the heroic conduct of the men who suffered by the unfortunate catastrophe to which the hon. Gentleman's question referred, and the more especially as the troops who displayed such heroic devotion were not old soldiers, but recent raw levies, who were going to join their several regiments at the Cape. This showed that the discipline which made them so heroic in the field, also qualified them to act a noble part in any other circumstances of danger. The question of the hon. Gentleman resolved itself into two points: the first with regard to compensation, and the second with regard to promotion. The War Office would be most happy to receive applications for compensation, and to entertain them in a liberal spirit. According to the regulations and Her Majesty's warrant for compensation, all these losses must be brought before a board of officers. The hon. Member was perfectly correct in stating that the maximum allowed in such cases was 80*l.*; but by the 90th section of the Act, it was also in the power of the Secretary at War, on receiving from the board of officers a special report, under special circumstances, and with regard to a particular service and a particular equipment, to grant a greater amount of compensation where a greater loss had been incurred. He could only say, that if sufficient funds were in the hands of the Secretary at War, nothing would be more agreeable to his office than to distribute them in the manner suggested. With regard to the question of promotion, it must be remembered that promotion was not dependent upon the War Office, but rested with the Commander-in-Chief. At the same time, if they looked at the past conduct of the noble and gallant Duke who held that office, they would find that he was always as ready to reward the heroism of military men, as he was capable of appreciating their services. Unhappily, this was not the first occasion of late years where military officers had distinguished themselves in the midst of such disasters; and the House must revert to the antecedent acts of the Commander-in-Chief to judge of the course he was likely to pursue under the present circumstances. Four instances of shipwreck had occurred within the last few years, in which officers had distinguished themselves in saving life; and in each case promotion or appointment to staff situations had been given to the sufferers. He might instance the 91st, the Royals, and the 80th Regiment, as cases in which that course had been pursued. He was glad to see that the highest Lady in the land, and some of the most eminent individuals, were generously raising a subscription for the purpose of affording relief to the surviving sufferers by the deplorable loss of the *Birkenhead.*

MILITIA BILL—ADJOURNED DEBATE.

MR. LAW HODGES said, that, previous to the House renewing the discussion on this Bill, he wished to take the opportunity of explaining a statement which he had made to the House on Friday night, which was received with incredulity, as though it were an exaggeration. That statement was, that 500 men had deserted from the regiment of militia to which he had belonged. Since the House last met he had written to the adjutant of the regiment, who had served in it for fifty-five years, and from the reply he had received, he must acknowledge that he had fallen into a very considerable error. He had also stated that 500 men had volunteered from that regiment to the line; but he found that the real number who volunteered out of a battalion of 800 men—whose enlistment extended over a considerable period of years—was 2,144. The adjutant also told him that instead of 500 having deserted from the regiment, the actual number amounted to 881.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [23rd April], "That the Bill be now read a Second Time:"—And which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. MOFFATT said, he had been requested by his constituents to record their strong opinion, that the measure before the House would be one of extreme disadvantage to them. It was not his wish to resume the tone in which the debate had closed on Friday night, as he considered that this question was one of far too great importance to be mixed up with any question of party or party politics of crimination on the one side, or recrimination on the other. He regarded this as a question not if this or that Militia Bill should be passed, but whether the defences of the country were adequate or not. The only reason stated by the right hon. Secretary for the Home Department for the introduction of this Bill was, that the country had been lulled into security by a long period of peace, and that it was now necessary to rouse its military energies; but people out of doors were aware that during many years past they had been paying 12,000,000*l.* to 15,000,000*l.* for naval and military establishments, and they were at a loss to know how they could be so utterly unprepared, after having paid during the last thirty-seven years of European peace upwards of 500,000,000*l.* for defensive purposes. To the present measure three classes of objectors had been mentioned: first, those who believed the national defences to be sufficient; secondly, those who thought there was no necessity to disturb the whole economical arrangements of the country by introducing such a force; and, thirdly, those who believed that a militia force was the worst means that could be adopted for the defence that was desired. But he thought there was really only one class of objectors, and this comprised nearly all England. The right hon. Baronet the Secretary for the Colonies contented himself with basing the necessity of the Bill on the Duke of Wellington's letter in 1847; but if this were the true ground for proposing it, why had not the measure been prepared in accordance with the recommendations of the letter? The Duke of Wellington stated in that letter that he wished 80,000 men to be enrolled and embodied, whereas the proposition before the House, if he understood it rightly, was that 80,000 men should be merely enrolled, and not embodied. But with reference to the apprehensions so generally felt, one would very much like to know where the danger was to come from? Was it from Prussia, which had but two or three ships of war—from Austria, with its four or five—or from Russia? No reasonable person could suppose that she entertained aggressive designs against this country? No one could imagine that such designs were entertained by Belgium, or by Spain, which had but one ship of the line. Well, then, there was but one country in Europe from which danger could be anticipated, and that country was France. But if that were so, we ought to speak out; if there were real danger from France, we should know what that danger was. If the French navy was superior to our own, let us put ours in such an efficient condition as would leave us nothing to dread from the attempts of any foreign State. We had always conceded to France military superiority, and have as distinctly asserted for this country maritime supremacy. He believed we had still a decided superiority in our Navy over France; and in our mercantile marine we had a very important element of force, sufficient to guarantee our coasts against invasion by the united navies of the world. The House, in his opinion, could scarcely attach too much value to the mercantile marine of this country as a means of defence. The investigation conducted by the Committee moved for by the hon. Member for Orkney (Mr. Anderson) had proved that our steam marine was as 20 to 1 compared with that of France, and that we could arm such a nnmber of steam vessels as would make it absurd and riduculous for any country to attempt to invade England. It was said that steam navigation had made a bridge from the Continent to this country; but, if so, it should be recollected that that bridge was in our exclusive possession. We had not fewer than 1,300 steam vessels with a tonnage of 300,000 tons, and our sailing vessels had a tonnage of 4,000,000 tons; whereas France had but a tonnage of 700,000 tons, and only one vessel above 800 tons. The subject of the measure could not be regarded as one of pressing importance, each of the political parties into which that House was divided having striven in its turn to defeat the measure presented by the Government of the day. It was remarkable that nearly 800 petitions had been presented against the Bill, and not one in its favour. Nor was it correct to say, as some had done, that the petitions were against the embodiment and not against the enrolment of the militia, for there was only one petition against the embodiment of the militia, with but one signature, and all the rest were specifically against the enrolment. Assuming, however, that the necessity of some measure was made out, his conviction was that we could have no less efficient means of defence than the militia, and none more expensive. The statement of the right hon. Gentleman who introduced this Bill was, that the establishment of the militia would cost 400,000*l.*; whereas every one who had inquired into its cost in former days, when it really was established, knew that in 1803 in cost 2,870,000*l.*, and in 1804 more than 6,000,000*l.* If the case of an attempted invasion should arise, he must confess his conviction that the establishment of volunteers would be a far more efficient mode of increasing our defences, and would interfere less with our social arrangements. But from all he had heard, he had no fear of its being put to the trial, for he had the most unlimited confidence in our maritime superiority over every other nation on the earth.

"Britannia needs no bulwark,
No towers along the steep,
Her march is on the mountain wave,
Her home is on the deep."

Such being his conviction he should oppose the further progress of the Bill.

LORD SEYMOUR said, he was anxious to occupy the attention of the House a very few minutes, whilst he stated the grounds on which he should give his vote, and the course he intended to pursue on the question before them. He believed it to be the opinion of the majority of that House, that some measure for the increase of our national defences was necessary. He took that to be generally admitted; and it must be clear to both the House and the country, that knowing the inconvenience at this time of increasing the taxation of the country, and the financial pressure that existed, two Governments would not have proposed an increase in our defences, had they not felt the absolute necessity of such a measure. It was on that ground he had concurred in the former Bill proposed to be brought in by his noble Friend the Member for London. The Administration of which he (Lord Seymour) had formed a part, well considered all the objections that would be brought against the step, on the ground of its inconvenience and unpopularity; but they did think it necessary, even in the face of all those inconveniences, to take on themselves the responsibility of proposing such a measure. His noble Friend's measure having fallen to the ground, a change of Administration subsequently took place, and then came another Bill, under another Government. It could not be supposed that the present Government, knowing the great difficulty into which the question had brought the late Government, and the feeling prevalent in the country against any measure for the enrolment of the militia, or at least for compulsory enlistment, would have brought forward such a Bill, unless they had felt compelled to do so by a sense of responsibility. They had had the opportunity of inquiring into the state of the Army and Navy; they were no party friends of the late Government, and yet they had admitted that the Army and Navy were at present in a very excellent condition. It could not, therefore, be by any improvement in those great establishments that we could expect to supply the deficiencies in our existing defences; we must, therefore, have recourse to some new means, and he wanted to know, if this Bill was to be rejected by the House, what chance there was of any other measure being brought forward. It appeared to him that if this Bill were now rejected, no Government would venture again to bring forward any measure, either for voluntary or compulsory enlistment, seeing that the House had successively rejected both the one principle and the other. In the present Bill both those principles were combined; and he did think that those who intended to support a proposal for either voluntary or compulsory enlistment, ought to vote for the second reading of the Bill. He wanted to know, if this Bill were rejected, what appearance the Government of this country would make before the Governments of Europe. We had had all our public men, the highest authorities in the country, stating that some measure of national defence was necessary, and yet, when they came before the House, they found various parties anxious, not to defeat the enemies of the country, but to defeat the government of the day. That seemed to be the only use made of the occasion by some at least. The course of proceeding upon this subject was anything but calculated to raise the character of representative governments. An attempt was made to persuade the country that no such Bill was required; but could reasonable persons think that our most experienced public men would pass three months of the Session in introducing and discussing such a measure, if they did not believe it to be necessary? It was to be hoped that the country would have a better opinion of our public men, and that they would conclude that there must be some real foundation for the views expressed as to the necessity of the measure, otherwise a different line of conduct would have been followed. The first Bill introduced was, he thought, lost on account of his noble Friend the Member for Tiverton (Viscount Palmerston), who, with great anxiety and zeal, as he said, to expedite the measure, managed to destroy it. That was quite a disappointment, and arose, no doubt, from that innocent simplicity of mind which, the noble Lord ingenuously informed them the other evening, was the prevailing characteristic of his nature. But now they had another Bill brought before them, and that Bill was to be defeated because his noble Friend the Member for London said he could not allow the second reading to pass. According to his noble Friend's speech it would seem that nothing but a local militia would be advisable. The Government having determined that we were not to have a local militia, and his noble Friend (Lord John Russell) having determined that he would not have a general militia, he supposed the end would be that we were to have no militia at all. They lost the first Bill on account of its title: that which was usually settled the very last thing, was settled in the first instance, and thereby the Bill was lost. If the noble Lord the Member for Tiverton had chosen to be critical on the title of the present Bill, he might certainly have said that the title did not answer to the contents. It was called a Bill to Consolidate and Amend the Laws relating to the Militia; but there was, in fact, no consolidation whatever, as was evident to those who had looked at the Bill. Objections were brought against both features of the Bill, some persons disapproving of voluntary enlistment, and others of compulsory service. Those who objected to compulsory service, declared that it was intended to take all the industrious persons in the country from their work; those who objected to voluntary enlistment, on the other hand, said the effect would be that they would get nothing but the idle and the worthless, who would not work. Now, if we wanted men for a militia, they must be taken either from the idle or the industrious class of the population; he saw no alternative; they must be either idle or industrious—unless we could adopt the course which some African potentate was said to have embraced, of organising a battalion of ladies. His noble Friend (Lord John Russell) objected to the present Bill, because it took persons of the age of thirty-five. But to all the provisions of the Bill they did not pledge themselves by agreeing to the second reading; he believed that, by the undoubted practice of the House, the second reading would only bind them to the general principle of a measure, so that they should have either voluntary or compulsory enlistment. For his part, he should wish to omit from the Bill the provision regarding compulsory enlistment. The Government having stated that they thought they could obtain a sufficient number of men by voluntary enlistment, and there being a strong objection felt throughout the country to any other course, he thought they were bound, in the first instance, to try what voluntary enlistment would do. He should, therefore, propose to strike out the compulsory part of the Bill. His noble Friend, as he (Lord Seymour) understood, had said that he would be ready to vote for 10,000 embodied militia, though he refused his support to this Bill. He (Lord Seymour) must say that, in his mind, 10,000 embodied militia would be more objectionable than 10,000 men added to the standing Army. It appeared to him that an embodied militia would involve all the expense of a standing army, whilst it would be a force that could not, whatever might be the necessity of the case, be sent out of the country. One of the great hardships on our Army being the great amount of foreign service that fell on it, we should have 10,000 men with an amount of pay equal to the standing Army, whilst they would be excused from their share of foreign service; which would be, in his opinion, a very unjust and unwise measure, and most invidious in relation to the regular Army. Another recommendation was to increase our standing Army; but he quite agreed in what his noble Friend the Member for Tiverton said on this point—that we might get such an increase for one year, but would be unable to keep it for more, because there would be constant attacks made in that House, until the Government would be compelled to give way, and the force would, consequently, be reduced, leaving us just as we were before. Considering that we had to maintain forces in all parts of the world, he did not think we should be able to spare much from the Colonial establishments. Having been for three years the Chairman of the Committee which sat to inquire into the establishments of the Army, Navy, and Ordnance, he could say that they had gone into that inquiry most earnestly on all sides, without any consideration of party, but with a strong desire to reduce the military expenditure of the country as far as was practicable. The general conclusion appeared to be, that those establishments could not be much reduced, and that any diminution in the expenditure on account of them would be a work of time. He did not agree with the right hon. Baronet the Secretary for the Colonies, that no further reductions could be made; but such reductions could only be effected by a complete understanding and co-operation between the Army, Navy, Ordnance, and Treasury departments, which it was very difficult to bring about; and with such understanding, he believed that some reduction might be in time effected. He did not see how, after the declarations made on all sides, he, or any other independent Member of the House, could take upon himself the responsibility of opposing this measure, and thus leaving the country without any additional means of defence. That, however, did not in any way pledge him as to the details. He should vote, therefore, for the second reading, on the clear understanding that, when they came to the Committee, he might move to strike out certain portions of the Bill; and it appeared to him, on looking at the provisions, that its whole details would require considerable amendment.

GENERAL REID said, that although reluctant to rise, he felt that he could not remain silent on a subject of which he must necessarily have some practical knowledge, and on which he certainly entertained a very strong feeling. He confessed that he viewed this measure, as a military man, with very little satisfaction. If he were to consult his own feelings and judgment only, he should be disposed to record his vote against it; but when he reflected that the right hon. Secretary for the Home Department, in introducing the measure, gave the House the assurance that Government had most anxiously consulted the highest military authorities of the Kingdom, and that it was on their advice, and after duly weighing the political as well as military bearings of the subject, that this course had been adopted, he felt he must defer to their superior judgment and experience, and he should therefore vote, though reluctantly, for the measure, but qualified by the expression of his own sentiments regarding it. He would not waste the time of the House by making any observations of a speculative kind on the possibilities or probabilities of an invasion. It was sufficient for him to know that the late Government, as well as the present, were of opinion that it was absolutely necessary that our national defences should be brought into a more effective condition; and the only question now was in what way that efficiency could be best secured consistently with reasonable economy. In his humble opinion he did not think the present measure would achieve the object. He had not lived in the Army for thirty years without forming what he considered to be a very just estimate of the value of military discipline; he did not mean merely the training of soldiers so as to render them efficient for the purpose of fighting, but the imparting habits of steady and implicit obedience, submission, and subordination to their superiors, so as to ensure that moral control without which an army was useless. This character could not be given to a force by drilling it for a few weeks of a year. The noble Lord the Member for Tiverton (Viscount Palmerston) stated the other night that 80,000 militia would cost no more than 8,000 regular soldiers, and would be more valuable as a military force. Now, on that point he joined issue with the noble Lord; if he had his choice of the two forces, he should not hesitate to prefer 8,000 or 10,000 regular troops, for the purpose of checking an advancing enemy, to 80,000 half-disciplined and half-trained militia. He believed that number of militia would cost more than 20,000 regular troops; and, if he were not mistaken, a statement had been laid before some Members of the Government within the last two or three days, proving that to be the case. He thought, therefore, it was to be very much regretted that there should be such a strong feeling in the House and the country against any argumentation of the standing Army. He found by the Army Estimates that in Great Britain we had 4,061 cavalry, 4,640 foot guards, 22,890 infantry of the line, besides about 2,000 recruiting troops and companies of regiments in India, making altogether a force of about 33,600. But though that number appeared disposable, the real strength would be considerably less. Then there were 16,000 pensioners, of whom not more than 5,000 or 6,000 were under the age of forty-five, at which age, it was notorious to military men, soldiers were in general worn out. We were now principally depending on a military force of 25,000 infantry, of whom, however, about one-fifth would always be found non-effective. Now he thought that was not a satisfactory state of things, and that it was necessary that the strength of our regular troops should be increased. He thought that this would be done most efficiently and economically, so as to meet the requirements of the present crisis, without permanently adding to our standing Army, by recruiting in advance for the years 1853 and 1854. We annually recruited, on an average, about 7,500 men; but he would take 15,000 men this year, and 7,500 next year, suspending recruiting altogether in 1854. The expense of the 15,000 men for the first year would be 320,000*l.*, and of the 7,500 men for the second year 160,000*l.*, so that the expense of adding 15,000 men to the Army would be only 460,000 or 470,000*l.*; while the expense of the proposed militia was estimated at 400,000*l.* for the first year, and 200,000*l.* for each of the succeeding five years; but he believed that it really would cost nearly double that sum. The addition, too, which he proposed to make to the Army would be perfectly disciplined men, who must be much more valuable than any number of untrained and undisciplined militia. If this addition should not be enough, he should recommend the adoption of the proposition of the noble Lord the Member for the city of London (Lord J. Russell), that there should be an embodied militia of 10,000 men. He was sure that if we had a militia force at all, it should be permanently embodied, for if it was not it would be valueless, or might even be mischievous.

Mr. ELLICE said, that if he was called upon to vote upon the principles enunciated by the hon. and gallant Member who had just resumed his seat, he should have no hesitation in coming to that vote, reserving to himself the right of supporting in Committee such modifications of detail as he thought a Bill of this description might require. But he was now called upon to vote for the second reading of a Bill which was called a Militia Bill. Now, such a Bill had hitherto been understood to be a Bill to raise a force entirely by the ballot; the present Bill, however, was for the raising of a subsidiary force—not a militia force—by bounty, in the same manner as the regular Army; and not only so, but it was proposed to give a larger bounty for that force than was now given for the regular troops, in the confidence that persons who had received the bounty of 6*l.* for being drilled twenty-one days in the first year, would return for drill in the subsequent years. This, in effect, would be to create a competition between the two recruiting parties. In a time of prosperity and full employment, such as the present, it was not easy to obtain recruits for the Army; but if a larger bounty was offered for the militia than for the regular forces, he was sure that difficulty and embarrassment to the public service would inevitably be the result. He begged to disclaim all party feeling in his objections to this measure, but really it appeared to him to be beset with great difficulties. He had, however, great objections to a Militia Bill at all. He thought they should not trouble the country with a measure of this description, which was certainly against the feeling and spirit of the manufacturing towns, unless the Government could satisfy them that there were no other means of obtaining additional forces for the defence of the country (admitting that such were necessary), or at all events that the proposed means were the most economical to which recourse could be had. Now, he had had some experience with respect to the expense of this kind of force. He remembered, when he was in the War Office, making a calculation from which it appeared that from the peace of 1815 to 1832 the militia staff had cost 6,000,000*l.* or 7,000,000*l.*, and for that sum the country had never obtained one day of efficient service. He wished to know then, before he consented to the raising of a new militia, how, if an establishment was once set on foot, it was ever to be got rid of. He had never seen this done without entailing an incumbrance on the country, in consequence of the claims of staff officers and others, which could not be disregarded without great injustice to the individuals engaged in the service. He doubted exceedingly the reality of the alarm that had spread with respect to the danger of foreign invasion. To do the Government justice, he must say that up to the present time there did appear to be, since they had been in office, a perfectly good understanding between this country and the other nations of Europe; and while that existed he did not think that we should have an Algerine attack from any Power, or that any attack would be made so suddenly that we should not have time to make adequate preparations against it. But at the same time, of course, if he were responsible for the safety of the country, nothing should induce him to do anything which would compromise that safety for one instant. The question was, then, what was the most economical way of adding to the defences of the country? The proposed bounty would amount to 300,000*l.* to begin with, and then there would be clothing, quarters, and a vast variety of other items. He thought that all the Estimates which had been laid before the House with respect to the cost of the militia force were, and necessarily must be, exceedingly vague and uncertain; and he thought also that if they were to expend the sum which was proposed, the plan of the gallant Officer who had last addressed them would be infinitely better than that contained in the Bill before the House. It was said that if 10,000 men were added to the Army, there was no security that they would not be disbanded, for the sake of economy, in a subsequent year; but what better security was there, that the House might not decline to vote the expense of the militia force? He thought the proposition of his noble Friend the Member for London (Lord J. Russell), to raise an embodied militia of 10,000 men, most objectionable. It had been remarked that our soldiers in time of peace worked harder than the soldiers of any other country in time of war, and that the portion of their time which was spent in the worst climates was greater than that which they spent at home. Why, then, enrol such a militia? Would it not be much better and fairer to the soldiery to increase the regular Army, and so give them longer periods of relief? Such an addition could be made without extra expense for staff, &c., which must be incurred if they raised an entirely new force of militia. Having been a Member of the Committee which sat for three Sessions on our Naval and Military Estimates, he must say that it was the opinion of that Committee, and it was especially his own, that great economy could be effected in our colonial military expenditure. We had for the last ten or fifteen years kept in Canada about double the force that was requisite; and this force was scattered over the country in thirteen or fourteen different stations, more for the sake of doing police duty for the inhabitants, than anything else. Then we had 400,000*l.* or 500,000*l.* of ordnance stores there, and a good deal of artillery, spread over many posts, and doing harm rather than good, in consequence of the observation that it provoked. The same thing was the case in the West Indies and elsewhere, and he had hoped that after the sitting of the Committee upon the subject, a great saving might have been effected. Our forces were so scattered that we did not know where to lay our hands upon them; and he thought therefore that concentration of them would be attended with great advantage. If, too, we apprehended danger from the facilities which steam might give an enemy in attacking this country, we should not forget the extent to which it facilitated the movements of our own troops. Great saving would be effected to the country, and great relief would be afforded to our troops, by concentrating within the narrowest possible space the military assistance that we were obliged to afford to our colonies. He thought, too, that we required a much better organisation of our forces in this country quite as much as any addition to them. No one knew what were our existing means of defence. He could not conceive, too, why the most could not be made of the offers of volunteer service as rifle corps, which had been made. He did not mean that we should depend upon them actually to go into the field; but suppose that we were suddenly called upon to concentrate our forces for the sake of defending some particular point, the volunteers would be an admirable force to supply their place for home duty. Suppose that we were compelled to withdraw even the police from their own districts, some preparation should be made for supplying their places. He objected most strongly to having 80,000 partially trained men roaming about the country, after their habits had been unsettled, which would be the case if they adopted this Bill. He had no faith, supposing that we did want additional means of defence, that either the present Bill, or the Militia Bill of the late Government, would have provided it either efficiently or economically. He thought it was very wrong to disturb the country after it had been so long at peace, and when it was unaccustomed to measures of this kind, although he quite admitted that if danger should arise, it would be the duty of the Government not merely to enrol men for this temporary service, but to call the whole of the militia out, as he believed that the Crown had still the power to do. He did not think, however, that sufficient grounds had been stated to justify an addition to our defensive forces, and therefore, however reluctant he might be to vote against a measure which the Government no doubt believed would be advantageous to the country, he should be compelled to oppose the second reading of the Bill.

Colonel LINDSAY said, it seemed to be generally admitted that it was necessary we should have an increase of force in this country of some kind or another—one important proof of which was to be found in the fact that two Governments in succession had brought in Bills for the enrolment of a militia — and, although numerous plans had been mentioned in the course of the debate for the purpose of supplying the acknowledged deficiency in a better manner than by a militia force, he felt bound to conclude that all those plans had been previously under the consideration of both Cabinets, and had been rejected in consequence of some insurmountable defect. The responsible opinions of two Administrations, most solemnly declared to the House of Commons, ought, he thought, to outweigh the suggested doubts of various parties as to the reality of the danger. For his own part, he believed in the possible danger; and he looked with considerable distrust upon that species of argument offered against the proposal of a militia, which went to show that, because no previous modern attempt at the invasion of Great Britain had succeeded, therefore any attempt at any future time must be a failure. But, in consequence of the introduction of steam, the base of operation had been very much enlarged since the late war, and now extended from the harbour of Brest to Boulogne and Calais, and this very much altered the state of affairs. The question as to whether or not our present resources were adequate for our defence was not an abstract question. It was easily settled by reference to the Military Estimates; and those statistics seemed to him to put beyond all manner of doubt the fact that it was necessary to create an entirely new reserve defensive force. It had been stated in previous debates by the hon. Members for Montrose and Lambeth, that we had at our command a force of from 150,000 to 160,000 men for the defence of this country; and on Friday evening last it was stated in broad terms by the hon. and gallant General the Member for Westminster (Sir De L. Evans), that we had a force of from 85,000 to 100,000 men. He thought he (Colonel Lindsay) could show the House that both those statements were perfectly fallacious. It was true that the number of men which the House had voted for the present year amounted to 101,937; but from this number must be deducted 4,519 officers, and 7,237 sergeants and drummers, leaving only 90,181 rank and file. Of these there were—in the Colonies, 38,062; in Ireland, 19,668; leaving, for the defence of the United Kingdom and the Channel Islands, only 32,451. He excluded Ireland from his computation, for this obvious reason, that if an invasion of England were projected, there would doubtless be a simultaneous invasion of Ireland; and hence it would be perfect madness to attempt to withdraw a single man from that country. Now, of the regulars there were in the United Kingdom and Channel Islands 4,801 cavalry, 27,650 infantry, and 9,222 artillery, making in all 41,673. To these there must be added 9,608 pensioners (the remaining pensioners being in Ireland and the colonies), making a total of 51,281. But these were merely paper men, because from every 1,000 men they must deduct, at the very least, 100 for casualties. Deducting, then, 5,120 for sickness, desertion, and the like, this would leave only 46,161 men available for service. Adding to these the dockyard battalions, consisting of 9,442 men, the number would be raised to 55,603. The noble Lord the Member for London, in his computation the other evening, spoke of 41,000 in Great Britain and Ireland; but this did not leave a single man for the garrisons, of which we had six or seven in this country which must be held, and for that duty he (Colonel Lindsay) estimated that not less than 30,000 men would be required, thus leaving only 25,603 men available for field duty, or for the defence of the metropolis, namely, 4,321 cavalry, and 21,281 infantry and artillery. Several hon. Members had included the marines and the coast guard in their calculations; but he deducted these for this reason, that whenever a shot was fired they must go on board the fleet. This deficiency of force being palpable, what the House of Commons had now to decide upon was, how the required increase was to be obtained. Several of the speakers in the debate, and in particular the right hon. Gentleman who had last spoken, had advocated the recalling to this country of the troops now stationed in several of the colonies. Now, as he regarded it, this question of leaving those of the colonies who possessed representative institutions to take measures for their own defence, was in itself one of such importance that it could not be adequately considered when thus mixed up with the question of a Militia Bill. That is a question which must be deliberately debated, and decided upon its own merits; and he would, therefore, in the remarks he had to make, leave the colonial reference altogether out of sight. Another proposal was, that the standing Army be increased. As a soldier, he would say, that although he had the greatest desire to see the Army popular with the country, and not more burdensome than was absolutely necessary, he was much opposed to any plan based upon an increase of the standing Army. The hon. and gallant Member (Sir De L. Evans) who had proposed the Amendment, had expressed an opinion that 20,000 well-trained soldiers were quite equal in the field to 80,000 militia or raw soldiers. But, in this case, what was wanted was not an efficient army, so much as a large numerical force, disposable for garrison purposes. He (Colonel Lindsay) would no doubt prefer to have 20,000 soldiers rather than 80,000 militiamen, if he were in the field, and anticipated a general engagement; but, for merely defensive purposes, as now contemplated, he would prefer a militia to an increase of the standing Army. The expenses of the proposed increase of the standing Army had not, he thought, been sufficiently considered. The cost of the Army, as it now stood, namely, for 101,937 men, for pay and clothing, and deducting the pay of the officers, was about 2,000,000*l.* Estimating the expenses of a force of 20,000 men in the same proportion, for pay, clothing, and levying, would be 572,641*l.* But even then they would not be done with the expenses. One of the complaints of the officers of the Army now was, that while compulsory power over the men had been taken from the colonels—which he, for one, was very far from regretting—they had not provided sufficient, though they had provided some, encouragement to the men to conduct themselves well. He alluded particularly to the barracks. It was notorious that the barracks were universally too small, and that the men had not sufficient room for comfort in them; and he wanted to know how, with the present accommodation, they were to provide for an extra 20,000? Either the House of Commons would have to consent to the expense of new barracks, or to rendering the rest of the Army uncomfortable and discontented. There were other smaller expenses to be estimated, and these he could not put down at less than an additional 60,000*l.* or 70,000*l.* per annum. Such an expense as this, inseparable from the suggested increase of the standing Army, might be agreed to in one Session; but the probability was that it would not be endured for more than the one Session. Then came the question of the volunteers. Both the present and the preceding Governments had been attacked for their indifference to the alleged aid that was to be derived from a volunteer force. He greatly doubted the value of these proffers. He had seen a periodical excitement in this country on the subject of invasion very quickly aroused, and very quickly assuaged. Were an enemy on our shores, he did not doubt at all that the people would rush to arms, and that there would be thousands of volunteers anxious to have their services accepted by the Government. But a volunteer force was a force springing up in an excitement, and could never be relied on as a permanent, enduring force. On this point he would read a significant passage from the letter of the Duke of Wellington to Sir John Burgoyne:—

> " We hear a great deal of the spirit of the people of England, for which no man entertains higher respect than I do. But, unorganised, undisciplined; without systematic subordination established and well understood; this spirit, opposed to the fire of musketry and cannon, and to sabres and bayonets of disciplined troops, would only expose those animated by such spirit to confusion and destruction. Let any man only make the attempt to turn to some use this spirit in a case of partial local disturbance. The want of previous systematic organisation and subordination will prevent him from communicating with more than his own menial servants and dependents; and, while mobs are in movement through the country, the most powerful will find that he can scarcely move from his own door."

It had been not very judiciously remarked, that this letter had been written when the Duke of Wellington was in his 77th year, and that had his Grace been younger, he would have been less alarmed. But no one knew better than the noble Lord opposite (Lord John Russell) the untruth of the supposition upon which those remarks upon the Duke of Wellington were founded. The noble Lord could bear testimony that the faculties of the illustrious Duke were in no way impaired, and that during the alarms and excitements of 1848 the noble Lord had received that sagacious counsel from the Duke of Wellington, which was to be expected from a great, an experienced, and an energetic soldier. The opinions of the Duke of Wellington upon the military condition of this country were, therefore, to be received with the deference due to so great a man, whose faculties were in no way enfeebled by age, and who was as competent to direct and lead as he was twenty or thirty years ago. And let it be remembered, these opinions of the Duke of Wellington were not new with him. This was what he had said in one of his despatches to Lord William Bentinck, in December, 1811, speaking of the dependence that was to be placed upon what was called national enthusiasm :—

> "The enthusiasm of the people is very fine, and looks well in print, but I have never know it produce anything but confusion. In France it was power and tyranny, acting through the medium of popular societies, which have ended by everturning Europe and establishing the most powerful and dreadful tyranny that ever existed. In Spain the enthusiasm of the people spent itself in *vivas* and vain boasting. The notion of its existence prevented even the attempt to discipline the armies; and its existence has been alleged ever since as the excuse for the ignorance of the officers and the indiscipline and constant misbehaviour of the troops. I therefore earnestly recommend you, wherever you go, to trust nothing to the enthusiasm of the people. Give them a strong and a just, and, if possible, a good government; but, above all, a strong one, which shall enforce on them to do their duty by themselves and their country."

He (Colonel Lindsay) now came to the Bill before the House. He certainly could not see the precise grounds upon which those who had supported the Bill of the noble Lord (Lord John Russell) could oppose this Bill, for it seemed to him that all the objections which they had urged to this Bill were quite applicable to the former measure. The main idea of the noble Lord (Lord John Russell) seemed to be that a system based on bounties would result in sending men of bad character into the militia. He (Colonel Lindsay) would assume that this would be the case. But he begged to ask if the system of substitutes, which indirectly and in a worse way would amount to the same thing, could have any different results? He did not, however, believe that this would be the effect, as a rule; and it seemed to him that a system of bounties, such as giving a part of the bounty after their first drill, and the remainder at different periods of their service, never all at one time, would produce good and contented soldiers—the men would be contented, and the service performed. No doubt there were various improvements of detail which might be made in the Bill, and which would be considered when the Bill was in Committee. There was one suggestion which he was anxious to press upon the attention of the Government. It was, whether it was not possible to make the Bill local as far as drill was concerned. Companies, he thought, might be called out within limited districts, and drilled, during the long summer months, every day after their work was over. In that way the pay might be diminished, because the men could continue to earn their full wages. Every two years or so these companies might be congregated for general drill in battalions; and if these companies had at their head old officers of the Army, and were well drilled in companies, he would undertake, without hesitation, to work such companies into battalions in a week or ten days. In conclusion, he begged to say that he would give his vote for the second reading, believing that he could not do otherwise in the face of the recorded opinions of the Government, and of the palpable fact that we were without an adequate available force to meet emergencies which he by no means regarded as impossible.

Mr. CARDWELL: I think, Sir, it is our duty to support the second reading of the Bill. I think that under any circumstances, when the Executive Government ask the House of Commons to consider dispassionately and carefully a proposal which, on their responsibility, they declare to be necessary in order to preserve the shores of this country from foreign invasion, it is assuming a very solemn responsibility to offer any opposition to that measure. I think so the more decidedly on this occasion, because there has been, as far as I can collect from what I hear, a great concurrence of opinion in the belief that we need to examine our national defences carefully in order to put them in that position in which the Crown and the people of this great Empire have a right to expect our national defences should be placed. Many proposals have been made in the course of the debate, of a very interesting nature, as substitutes for this measure for establishing a militia. It has been proposed to increase our standing Army; and I dare say that the proposal and plan of the hon. and gallant General (General Reid) will receive that attention which, as far as I could form a judgment while listening to him, it so well deserves. Another proposal is, that we should withdraw a portion of our troops from our colonial possessions to increase for the people of this country to a larger extent the military protection for which they so liberally contribute. I think, Sir, that is a most reasonable proposition, and I hope whatever Government is in power, that reasonable proposition will meet with the consideration it deserves. But it is obvious that it is a work that cannot be accomplished in a day; it is a measure that, in the wisest hands, will occupy time to carry it into effect. It is only reasonable to say to the powerful colonies that you have invested with the privilege of parliamentary government and of legislating for themselves, "that they should take upon themselves a share of the expense incurred for their protection, and relieve this country from the necessity of paying for their defence;" but you cannot say so suddenly, and time is required to carry that plan into effect. I think, Sir, there are reasons irresistible why we should go into a fair consideration of this measure. We are met by an argument, to which great force is attached, and which I hope will receive the consideration of the Government and of the House of Commons in this debate, and that is, there is an impression out of doors and in doors that the question we are debating is this—shall we again subject the country to a system of forced conscription carried on through the instrumentality of the ballot? Now, Sir, I do not believe, after nearly forty years of peace, after more than twenty years of exemption from forced conscription, that we, in a moment of profound peace, shall be able without great difficulty to carry such a project into effect. Mr. Norman, in his powerful pamphlet on taxation, sums up in these words the effects of that system. Speaking of the burdens which press upon France, he says—

> "Crowned by a military conscription, which, besides the other sacrifices imposed by it on the French people, must be regarded as a pecuniary tax of a large, though unascertained, magnitude. England is totally free from a military conscription."

If I understand rightly the declaration of the Government in bringing forward this Bill, it is intended mainly, and I hope entirely, to work it out by voluntary enlistment, and I also heard the noble Lord the Member for Tiverton (Viscount Palmerston)—a high authority on the question—say that the probability of having recourse to a forced conscription is not great, and that such a proceeding is only intended to be a last resource. In my opinion, Sir, however the country might be induced under the severe exigencies of a foreign invasion to submit to such a measure, there will be no probability of their submitting to it in a time of profound peace, and when there is no danger so imminent as will induce the people to submit to a forced conscription. But because that is the case, why should it prevent us from going into Committee on this Bill? Let me ask the House to consider the step we are about to take. Before we deal with this question, either by accepting or rejecting the new law, we should see how the law stands at present. The 42 *Geo.* III., cap. 90, is an enduring law, and stands upon your Statute-book; for nearly twenty years the Legislature has dealt with it in this manner—it has passed a law suspending its operation for twelve months, and within that law you have left a power in the Executive Government, which it may exercise by Order in Council, to suspend the suspending law, and to revive the enduring law, the statute of 42 *Geo.* III. Now, if we defeat this Militia Bill on the second reading, the House of Commons will find itself in this predicament: the Minister may come down and say, "I feel that without a militia the country is not safe from foreign invasion; my predecessor told you the same thing, and therefore you cannot dispute it. You have refused to go with me into an inquiry with respect to the details of the Militia Bill which I have laid upon the table—a Bill which I have told you was virtually intended to substitute voluntary enlistment for compulsory conscription. If you thought that the mitigatory clause was not mitigatory enough, you might move in Committee a more mitigatory clause if you thought proper; but, instead of doing so, you reject my Bill on the second reading. I will not ask you, therefore, for the Annual Suspension Bill, because I don't think the shores of the country safe if we suspend it; therefore I shall put into operation the statute of 42 *Geo.* III., and shall proceed by compulsory conscription to ballot for the militia. If your constituents don't like it, the responsibility rests with you; you had an opportunity of amending the law, and you rejected it, and therefore I shall not hold myself responsible for the consequences." Believing that will be the effect of thus proceeding, I say we are bound, out of respect for the Crown, acting upon the advice of successive Cabinets, we are bound also from our regard for the safety and liberties of the country, and from our jealousy of compulsory conscription, to adopt the second reading of this Bill. Let us fairly discuss it in Committee—let us consider it in a dispassionate spirit, having no object in view except the public interest, which we are sent here to guard. What is the law that ought to be enforced in England with regard to the militia? I believe, if we are actuated by that spirit, we may establish a mode by which the preliminary arrangements with regard to the militia may at least be made: and as my hon. and gallant Friend who spoke last has said, it is no unimportant point, in a case of sudden alarm, not to have to spend weeks or months in preliminary arrangements, but to have men enrolled, and the necessary preparations made. We may thus get rid of the danger of being obliged to resort to compulsory conscription; and we may place the country in a state in which we can be answerable for its safety. Believing this to be the true state of the case, and the question we have to decide, I cannot reconcile it to my conscience to do otherwise than give my vote for the second reading of this Bill.

Mr. CHAPLIN begged to call the attention of the House to the great facility which must be afforded by railways for the movement of troops from one locality to another. He understood that the French Government were arranging the construction of a line of railway from Rouen to Caen, and thence 100 miles further to Cherbourg, by means of which troops and military stores could readily be conveyed to the coast. To that enterprise the Frech Government had given considerable pecuniary aid. There was now in this country a coast line of railway communication extending from the North Foreland, by Brighton and Southampton, to Salisbury, and the communication might be completed to Plymouth, if a projected line of railway from Salisbury to Exeter, a distance of 90 miles, and for which an Act of Parliament was obtained in 1848, was carried out. The landowners along the line were most anxious for its completion, half the required capital was already forthcoming, and if the Government would advance 550,000*l.* at 3 per cent for thirty years, in order to insure the execution of this railway, he pledged himself to place in the hands of the Chancellor of the Exchequer such securities for repayment as would be perfectly satisfactory to him or to any other Minister of the Crown. If this plan were carried out, troops and stores could, in case of emergency, be conveyed with the greatest readiness from Scotland or the north of England to the western counties.

Admiral BERKELEY said, it was generally agreed upon that the defences of this country were not in a satisfactory state. The noble Lord the Member for Tiverton (Viscount Palmerston) said that there were two measures open to the House to adopt: one was an increase of the Standing Army—the other was the calling out of the militia. But he was rather surprised to find it never struck the noble Lord that there was another plan which might be resorted to—namely, an increase to the naval resources of the country. This might be done at one-half the expense of either of the other plans, and would prove much more effective for the object they had in view. The noble Lord spoke of the French being enabled to raise 50,000 or 60,000 men in Cherbourg; but he did not tell the House how these men were to be transported across the Channel. Now there were, no doubt, a great many difficulties in the way of increasing the defences of the country. Every Gentleman who had spoken on the subject appeared to have a favourite nostrum of his own to propose. An hon. Gentleman connected with the railway interest of the country had just proposed his nostrum, which he, no doubt, thought the most valuable that they had as yet considered. Nothing was more ridiculous than to magnify the resources at our command. It was quite as absurd as the panic that had lately ran through the country. The proposition he was about to submit was one that would not cost the country 200,000*l.* He would only ask the House to vote for the Navy an additional 4,000 men and 1,000 boys. By giving that number, with what the Admiralty had at present, he would undertake to say that they would have a fleet of thirty steamers in the Channel, none of which would be under 900 or 1,000 tons burden, armed with 10-inch guns, the most efficient now in use, at the bow and stern; besides six other steamers of a larger class. These would present a formidable force, before which he would defy any enemy to attempt a surprise. He would tell the noble Lord the Member for Tiverton, that it would take fifty or sixty vessels to embark those men he spoke of as being ready for action at Cherbourg, and it would take as many more vessels to protect them in the Channel. They should recollect that they were not talking of the common occurrence of war; but they were to consider how they could best guard against a surprise and an attempt to invade our shores while they were undefended. Consequently, the attempt must be by steamers, and by nothing else. The enemy must get together 90 or 100 steamers before they could dare to venture across the Channel. With such a fleet as he proposed, there was no British officer fit for his situation who would not be able to prevent an enemy attempting a landing on the English shores. He should like to see them attempt to disembark upon our shores in the face of such a force. Firmly and honestly he was convinced that if they would place such a force as he had described in the hands of the Admiralty, they need not fear any surprise, nor even that the coast would be invaded. That force he wished to see kept always at hand, and that no Government should be permitted to leave the country without it. Do that, and the desired end would be attained at a much cheaper rate than it could be by the establishment of the militia, and at a cheaper rate than any force they could hope to raise by the present Bill. Having said this much, it was now his duty to declare that he should vote against the measure before the House. In doing so, however, he was aware he should be taunted by hon. Gentlemen opposite that he had voted for the Bill of the noble Lord late at the head of the Government. But he would beg the House to remember that circumstances were now changed, and so changed that he believed hon. Members opposite would be inclined to admit them as a valid argument. Hon. Members of the Government said that, notwithstanding what their principles might be, they would abide by the decision of the country at the approaching elections. Up to the period when the noble Lord's Bill met with the fate it did at the hands of this House, he was not aware of any certainty of his own constituents who had presented petitions against the Bill. But since the measure of Her Majesty's present Ministers had been under consideration, the table of the House had been nightly covered with petitions against it, and his own constituents alone had presented no less than eight. In opposing the Bill, therefore, he was only following the example of hon. Gentlemen opposite, and bowing to the will of the country. He was not certain whether the militia of 1745 was enrolled or embodied; but he found a very curious document, which showed the prevailing opinion of the gentlemen, or rather the soldiers, of the Army of that day as to the companions with whom they were supposed to have to meet the enemy. In an order, dated October 25, 1745, issued from the War Office, and addressed to that distinguished corps, the Coldstream Guards, their attention was called to a review of the militia about to take place, and they were requested not to laugh or make game of any of the men under review on that occasion. In conclusion, he begged to assure the Government that, if they would endeavour to persuade the House that the plan he (Admiral Berkeley) had suggested, was the really national, constitutional, most proper, and wisest mode of raising a force to defend the Channel, they might rely upon having his support in the task of carrying it into effect.

CAPTAIN DUNCOMBE said, that as he chanced to be the only Member of the present Board of Admiralty in the House, he had to ask its indulgence whilst he addressed to it a few observations relative to the present Bill. It was admitted on all hands that the defences of the country were not in either a satisfactory or safe state—indeed, they had had that admission on Friday night from the noble Lord (Lord J. Russell), though, strangely enough, the noble Lord adduced that fact as a reason for not supporting the Bill. It appeared to him (Captain Duncombe), therefore, that the noble Lord, when in power, had proposed and supported a Militia Bill from a sense of duty; but that he now opposed it for the sake of party. Still, however that might be, he could have wished that the noble Lord—powerful as he was both in this House and in the country—had not, for the moment, at all events, obtruded party principles into the consideration of a measure like this, but have left it to be calmly and dispassionately considered in Committee. He believed that by following the two pilot balloons, which the noble Lord sent up in the early part of Friday evening, he would soon find himself in shoal water. And he (Captain Duncombe) was sorry to observe that the hon. and gallant Member for Gloucester (Admiral Berkeley) was going to shape his course in the same manner; though none could be less desirous than the hon. and gallant Admiral to get into shoal water. Many persons say they had a right to look to the Navy to protect our shores, and that before an invading force had an opportunity of landing, the Navy should be held responsible for making mincemeat of them. To this he was quite inclined to agree, provided we had at the present moment a powerful and an efficient Navy at our disposal. That our Navy was efficient, he admitted; but that it could efficiently perform all the duties which were required of it in protecting our commerce and suppressing piracy in various parts of the world, and at the same time afford a powerful and an efficient defence for the country—that he was not prepared to admit. Neither could he subscribe to the doctrine put forward by the hon. and gallant Admiral on a recent occasion with reference to the possibility of lining the Channel with powerful war steamers at signal distances from one another. But even admitting that we could find the vessels, he (Captain Duncombe) doubted very much if we could find the seamen to man them. He regretted very much that the hon. and gallant Admiral, who had been so recently connected with the naval affairs of the country, had not left as a legacy to his successors in office the 4,000 men and the 1,000 boys of whom he had spoken, instead of that crude and ill-digested measure, a naval reserve; for he (Captain Duncombe) foresaw great difficulty in carrying out the one, but none in carrying out the other. He had merely to say that in supporting a Militia Bill at the present time, he considered, however much he might prefer having a large and efficient Navy at our call, that the question of economy at the present moment must necessarily enter into their calculations, and he believed they could get a much larger force, and at a much less expense, by adopting the present Militia Bill. It was because that was his conviction that he had ventured to address the House for as many half minutes as he had sat years in it.

Mr. MONCKTON MILNES said, he could not record his vote on this question without taking into consideration the peculiar circumstances under which this Bill came before the House. He found this Bill brought under the notice of the House by a Government lately established in office, and shortly about to "appeal to the country" at a general election. He found the Government pressing that measure forward, knowing as they did that it was not popular in the country, and he thought it was the especial duty of every hon. Member to give that question his fairest possible consideration, and to say whether or no the cause in which the Government had run the chance of incurring that unpopularity was just in itself, and demanded the sympathy of the House. In the early part of this Session a Bill was brought under the attention of the House of a very similar nature, and he could not conceive how it would be consistent with duty, if hon. Members, whose intention it was to support that former Bill, refused their consent to the consideration of the principle of the one now before the House. With respect to details, it seemed to him those of the present Bill were rather to the advantage of the present Government than otherwise. It was impossible to deny that the Bill of the noble Lord (Lord J. Russell) was much more stringent than this, and much more likely to occasion discomfort and annoyance to the people. The grounds on which he was disposed to support the creation of a militia force in this country, would not be that he feared any immediate invasion of our shores, because it was certain such a force would be totally inefficient to repel such an invasion, but by reasons of a larger range. He believed that the progress of events in Europe since 1815 had tended by no means to the security of this country, but rather to endanger its position. He found that on all those points on which England was likely to come into controversy and difference with foreign Powers, those difficulties had increased rather than diminished. Up to a very late period an impartial observer might consider the affairs of Europe as tending to peace and the consolidation of the peace of Europe. He must have found constitutional government established in Spain, Portugal, and Belgium, especially by the intervention of this country, and especially by the energy of the Minister of that time directing its Foreign Affairs. But he found at the same time the extravagant hopes of the Liberal party, leading, as was natural, to reaction, now tending to the establishments of absolute Governments throughout the whole of Europe; and he believed the essential tendency of those Governments was hostility to England and her constitutional institutions. He believed, therefore, that the prospects of this country in its relation to foreign Powers could not be considered on the whole as satisfactory, and that we were acting wisely, without any great expense or without greatly interfering with the pursuits of the people, in laying the grounds for establishing throughout this country such a permanent force as might act when necessary as a military reserve, and at the same time in some degree increase the confidence of the people, by infusing into their minds the consciousness that any one man might be called on at the risk of his life to defend his home and his country. He believed that the country would be more efficiently served by 80,000 militiamen than an addition of 8,000 to the regular forces; and he thought that the expense of this plan would be found to be less than that of adding permanently 8,000 men to our Army. He thought it his duty, therefore, to support this Bill, although he was perfectly well aware it was accompanied by some unpopularity in the country; but he hoped that unpopularity merely attached itself to the novelty of the question. When they found in the great American Republic, where men counted their minutes as worth so many dollars, that a Militia Law had been in operation for years, and working with perfect success, he could not suppose such an institution would work with less advantage in England. The evils incident to a militia system seemed to him to be very unnecessarily exaggerated; when it was stated that they were most probably collecting together a certain number of men of an extremely bad character, he really should wish to learn whether in that case they might not by their exertions and example make those men better than they found them. He believed, too, the effect of raising in some degree a military spirit among young men, especially in manufacturing towns, would be anything rather than injurious to them in a bodily or mental point of view; and he could not but regret that the Government of the country had given every kind of check to the rifle clubs which had but recently been established, more especially as the present measure was introduced with a view of giving encouragement to the principle of voluntary enlistment. He thought the peculiar recommendation of this Bill was its having recourse, in a great measure, to voluntary enlistment. He believed the whole matter would turn out to be extremely novel in practice, and possibly be attended with consequences which neither the Government nor anybody else could anticipate. He believed, therefore, they were discharging their very best duty to the country in accepting this Bill, conforming as it did in principle with that of the former Government, and not placing their individual responsibility against the opinions of both Governments as to the necessity and wisdom of such a measure.

Mr. BERNAL said, he abhorred inconsistency as much as any man, but could not see the consistency of the argument that those who voted for allowing the Bill of the noble Lord (Lord John Russell) to be brought in, or for a first reading, ought to vote for the second reading of this Bill. He was sorry to hear his hon. Friend the Member for Liverpool (Mr. Cardwell) make use of a great *argumentum in terrorem* in reference to this question. The hon. Gentleman said, if the second reading of this Bill was rejected, he should look forward to the Government coming down to the House and proposing the continuance of the existing Militia Laws, and demanding that the ballot should be had recourse to, throughout the country. But he (Mr. Bernal) thought the Government would pause before they entered upon a step which at the present moment would be so exceedingly unpopular. What were the arguments that were adduced in favour of the principle for which they were now contending? He would beg to remind hon. Gentlemen that the second reading of the Bill was now proposed, when they were either to assent to or dissent from the principle of a Militia Bill. It was said by the hon. Gentleman the Member for Pontefract (Mr. M. Milnes), that the whole of the Governments of Europe were combined against us. Was that an illusion, or was it a romance? For his part, he was bound to think it was both. A very short time had elapsed since they were assured by Her Majesty, in the Speech from the Throne at the opening of Parliament, that the most amicable relations existed between Continental Governments and the Government of this country. If that was true, what became of the argument in behalf of raising 80,000 militiamen? With respect to professional arguments, he was disposed to coincide with the hon. and gallant Member for Windsor (General Reid). He saw a great many hon. Gentlemen before him who were well informed of the technical merits of this question; and he would ask, could they expect a body of men in eighteen or twenty-one days to be trained so sufficiently as to be of any essential service in defending the country against an invasion? For himself, he conceived it impossible for any man in that short time to do more than learn to shoulder his arms and acquire the goose step. To him it appeared a manifest delusion to suppose that men taken from every village in the country, from the manufacturing town, and from our highways and byways, could be drilled in twenty-one days, then set loose throughout the whole of England, and perhaps the United Kingdom, and then be called on to demonstrate that they had not lost anything of that great efficiency which they attained in their first year's drill. How long did it take to drill men for the guards? How long do the recruits for the guards remain under drill, at Croydon, before joining their respective battalions? And who were the men they were going to take for the militia? Did they suppose they were men of highly refined and honourable sentiment? He himself feared that every soldier, whatever might be his gallantry—and he would never for a moment underrate that gallantry—was more or less open to the *argumentum ad crumenam,* as to the services he rendered his country in any part of the world. It occurred to him also that too little had been said in the course of the debate as to the demoralisation of the population which a militia scheme involved. He could not conceive that a number of young men from the rank in life in which they would be obtained, who would be tempted to congregate in beershops in all the balloting localities and towns in the country, could escape contamination from some of their companions, and that there would not be the greatest probability of their spreading that contamination in the localities to which they would return after their twenty-one days' service had expired. For his part, he thought if we had the enemy at our doors thundering for admission, there was a spirit in the Anglo-Saxon which would induce him to come forward eagerly and efficiently to defend the institutions of his country, and his family and hearth, from assault or invasion. If the danger was so imminent as it was thought to be, he did not think the proposal for levying a great number of men either under the Bill of the noble Lord lately at the head of the Government, or that of the present Government, afforded a proper safeguard against a hostile invasion from the other side of the Channel. In the late war a force guarded our coasts, which, whatever might have been the objections against it, he thought was a useful one in many respects. He believed they were called the Sea Fencibles, men who were trained to the use of great guns, and who were merely armed with long pikes in defence of those guns; and he thought, to some extent some hybrid force of that kind, as he might call it, might be trained for the defence of our coasts. Volunteers again, would, for certain purposes, be efficient troops. For one, having considered the principle of this Bill, he did not feel himself justified in supporting the second reading, because he opposed the principle, whether voluntary or by compulsion, of raising a force of 80,000 men as a militia, at this particular juncture.

Mr. DEEDES said, the hon. Member who last spoke had told the House that he did not for a moment doubt, that if an invasion of this country took place, there would be men enough found ready, willing, and able to defend its shores. He (Mr. Deedes) had an equal confidence with the hon. Gentleman in the readiness, willingness, and gallantry of his countrymen; but he had every reason to believe, and history confirmed the belief, that those good qualities which they possessed would be made more valuable if they had the advantage of some military training and discipline. He believed that one of the main advantages of this Bill would be, that it would to a great extent drive away from the minds of the people of the Continent the idea of invading England, because it would show them that we were prepared to meet them, and that would be a great step gained towards preventing the possibility of an invasion. He observed that the tone of the debate this evening had differed very materially from that of Friday night. On Friday the objections to the measure of the Government were very varied in their character, generally small in their matter, and did not present any real or substantial opposition to the principle of the Bill. In the first place, they had the hon. and gallant General (Sir De L. Evans) telling the House that he had no objection to the principle of the Bill; that he admitted it was necessary to do something with the view of putting the country into a proper state of defence; but then, he added, he did not think the measure of the Government would accomplish that object. On the present occasion no one had ventured to offer any real and substantial opposition to the principle of the Bill; hon. Gentlemen had confined themselves simply to objecting to its details. With respect to what had been said as to the number of petitions presented against the measure, they should remember that the question touched the pocket of John Bull, and the *argumentum ad pocket* was one on which they should not always implicitly rely; for on such a point the mass were likely to take the most shortsighted view of their true interests; every man preferred keeping his half-crown to paying it over to the State. One word as to the speech of the hon. Gentleman who had seconded the Amendment (Mr. Rich). That hon. Gentleman at first relied for the defence of the country on a reserve force of pensioners, then he shifted his reliance to the Navy, and subsequently to the rural police. Independently of the inconsistency of such a mode of argument, the hon. Gentleman ought to have remembered that in times of difficulty the rural police would be required for the preservation of peace and the protection of property in the rural districts, and would not be available for repelling an invasion. Besides, it had not been said how the charge of such a force was to be defrayed, for if they were to be supported out of the local rates, for a national purpose, it would be manifestly unjust towards the local ratepayer. The hon. Baronet the Member for Tamworth (Sir R. Peel) who, strange to say, opposed the measure on the ground that he did not think the militia would prove an efficient force, yet quoted an instance strongly against his own argument, for he admitted that in Switzerland, when a force somewhat similar was brought into action, that they had done all that country required of them, and then, like peaceful and good citizens, returned to their homes. Much had been said upon the character of the men that would be employed; but he did not think the noble Lord the Member for the City of London (Lord J. Russell), or any other Member, had attempted to suggest any provision by which the militia force might be culled out of particular classes of the community. He must say that he heard with surprise the declaration of the noble Lord lately—that after what passed upon a former occasion, the noble Lord was, nevertheless, determined to oppose this Bill. Upon looking calmly at every word the noble Lord uttered on Friday evening, he could not say that he found one sentence there against this measure which might not have been just as applicable to his own. He did not presume to impugn the character or motives of the noble Lord. The country would, however, form its judgment, and set a just value upon his conduct. A grave question arose, namely, what was to be done for the country if this Bill fell to the ground? The present and the late Government had deemed it essential to put the country into a better state of defence. Were they now to leave it undefended? Were we to cast aside precaution, and to neglect to prepare ourselves for the hour of danger? He felt much pleased at what had fallen from his hon. and gallant Friend (General Reid), and thought it well worthy of the attention of the House, as the most unexceptionable mode of increasing the standing Army. His plan would bring about an efficient force—a force which would be, so to speak, self-dissolving—passing away each year, and its expense diminishing. But if the Government should not be allowed to proceed with this Bill, he hoped they would take so serious a view of the position they occupied, and entertain so full a sense of their duty, that those motives would alone compel them to bring forward some measure for the improvement of our national defences. He would ask the Government and the House, in such case, to consider some such proposition as that put forward by his hon. and gallant Friend, and the establishment of volunteer corps upon such a basis in different parts of the United Kingdom, including Ireland, as might be available in case of attack or invasion.

Mr. MILNER GIBSON said, the interest taken in the Bill by those whom he represented must be his excuse for offering the few observations which he felt it his duty to address to the House. The measure, he could assure hon. Gentlemen opposite, was viewed as one of no ordinary importance in the manufacturing districts of the country, and more particularly amongst the great industrial community in the Manchester district. He would, in the first place, beg to call the attention of the hon. and learned Attorney General to the manner in which the Bill was presented to the House; and he would ask the hon. and learned Gentleman whether it ought to have come before them in such a form? In the 28th Clause he found that all persons chosen to serve under the Bill were to be subjected to all the provisions of the Act of the 46th of *Geo.* III., c. 90, and to all the Acts amending that Act now in force. But how was the public mind or Members of Parliament to carry all those innumerable provisions in all those various Acts so as to know the scope and meaning of the measure they were to obey?

Were they sure that all these provisions were suited to the circumstances of the present day? He found in one of those Acts, the 42nd of *Geo.* III., the preamble of the Bill set forth that it would greatly tend to the public convenience if the whole of the Statutes on the subject were comprised in one Act of Parliament. Would it not be equally desirable now that all the provisions bearing on the proposed militia should be comprised in one Act? He hoped the hon. and learned Gentleman would explain why on this occasion they had not departed from the custom which was beginning to prevail, namely, of consolidating all the law on one particular subject into one Act, so that men might be able to find out what was the law, and how to regulate their conduct. Mr. Baron Parke, in delivering judgment in a case in February last, "Hart *v.* the Eastern Union Railway Company," said, "There is no small difficulty in construing an Act made up from different parts of other Acts, partly repealed and partly not." If the learned Judge, with all the Acts before him, and with his habit of construing Acts of Parliament, felt it a difficulty to ascertain the law under these circumstances, what could Members of that House feel in a similar position; and what, indeed, must the industrious classes of this country feel, when they were called upon to find out what was the law to which they were subject, dispersed as it was throughout so many old laws, many of which were at this day but as a dead letter? This was a preliminary objection to the Bill, but it was a valid one. If the Militia Bill was proper to be passed, they ought to have introduced it in a better form, and one more in accordance with the practice of these days. He (Mr. M. Gibson) had given notice of an Amendment that the Bill should be postponed to another Parliament. When they were at the close of a Parliament—when a speedy dissolution was announced by the Ministers of the Crown—when it had been promised that the new Parliament should assemble in the present year—when these things were known with as much certainty as such matters could be, it certainly did appear to him more reasonable and respectful to the country that, when they were departing from a policy of more than thirty years' duration, and were going to resuscitate a force which had been discontinued for nearly half a century—discontinued, too, because it was so unpopular as not to be bearable any longer—it did appear to him more reasonable that they should have the advantage of a general election, and should know that whatever was done by a future Parliament, would at least have the consent of the country. It was, he must say, a most unconstitutional mode which had been adopted. He had been surprised to hear an hon. Member say that there were some questions on which they ought to legislate without the opinion of the country. He (Mr. M. Gibson) thought that they were to be governed by public opinion. If their laws were to be in accordance with the opinion of an intelligent community, he could see no reason why they should not postpone the measure to another Parliament. Did the Government wish to steal a march upon the country? Did they fear that if they appealed to the people they would return Members pledged to vote against the Bill? If such was to be the course of the Government, they might depend upon its causing a feeling of the most sincere disapprobation on the part of the country. He (Mr. M. Gibson) admitted that there had been a panic. It was a very promising panic; but he had observed that whenever a panic had been—however artistically—got up, it seldom lasted long enough for effecting the object in view. There had been some apprehension some time ago, but that apprehension had now very materially subsided. They were told that distinguished Ministers on both sides, and high authorities, were agreed on the subject; but that had very little weight with him, because they had agreed before, and then dropped the measure. The Conservative Administration of 1846 had introduced such a measure; but the moment the country get scent of it, there was such an opposition that they dropped it as they would a hot iron. The noble Lord (Lord John Russell) attempted the same policy in 1848, but he was also obliged to drop his Bill; and, what was more, he set to work immediately afterwards to reduce the regular forces. The agreement, then, of eminent politicians on the subject, carried no weight with him. It seemed that there was a Militia Bill laid up in some pigeon-hole in the Home Office, and as soon as a panic could be got up, out it came; but as soon as it appeared, the country showed its displeasure, and in went the Militia Bill back to its pigeon-hole once more. He would not himself undertake to prophesy, for prophecies were always dangerous things, but he had reason to believe that even if the Government did carry the second reading of the Bill, there was no very serious intention of proceeding with the measure. If they attempted to force it upon the country, they would find that it would lead to most painful consequences, and that it would be calculated to create great dissatisfaction and discontent of the people. The hon. Member for North Warwickshire (Mr. Newdegate) had talked in a very Mother-Shipton style about destiny, and, delivering himself in the most oracular manner, proceeded to deal out to them the solemn warnings contained in the Duke of Wellington's letter of 1847—a production which was much laughed at at the time. But when hon. Gentlemen spoke to them of the Duke of Wellington's advice, why did they not themselves act upon that advice? So far from doing so, they brought in a measure totally distinct from that which was contemplated by the Duke of Wellington, who required a force ready at hand when needed, and not the militia which they proposed. He had heard with regret the noble Lord (Viscount Palmerston) speaking with painful accuracy of the construction of railways to Cherbourg and other ports, by which troops could be conveyed from various parts of the country to the water's edge, and put on board steamers at once, to be landed with the utmost speed on the shores of this country. But those railways were not yet made; and though all that the noble Lord spoke as probable might be so, and was so, the question really was, was it becoming or prudent in men in the position of the noble Lord and of Members of that House to be always imputing secret and unworthy designs to a great neighbouring friendly nation? Ought they to be constantly dealing out those stupid inuendoes against a neighbouring Power, for the purpose of obtaining an increase of our own forces? What should we think if, in the senate of some friendly country, persons were always imputing nefarious designs and intentions to us? He was convinced that it would create anything but friendliness, and would rather foster feelings of retaliation. We always did understand a great deal more about what was good for France, than they did themselves; and we always knew better what was going on in that country than the 36,000,000 of the French people did themselves. It was quite certain that the less we meddled with their institutions, and discussed and expatiated on the forms of government suited for the French people, the better it would be for Europe generally. He would take the liberty of answering the noble Lord (Viscount Palmerston) by a speech of his own on our relations with France, on the Motion of the hon. Member for the West Riding (Mr. Cobden), for the settlement of international disputes by arbitration. The noble Lord, then Foreign Minister, said he adopted the spirit of the Motion and of the speech of his hon. Friend, though he would not agree to have a positive Resolution of the House of Commons forced upon him. After complimenting his hon. Friend on the excellent tendency of his speech, and the beneficial effect which such views must have on the feelings of different nations towards each other, the noble Lord, on the 17th June, 1851, said—

> "I do not wish to exaggerate the relative means of France for attack, as compared with England, and still less do I wish to imply that the continuance of these or any other works of the same kind on the part of the French Government and people is to be considered by this country as an indication of any existing hostile feeling on the part of France. I entirely disclaim any such belief on my own part. I am convinced that the greater intercourse which has taken place of late years between the people of the two countries has dispelled many prejudices, and has removed many foolish hostile feelings which have long survived the causes that gave them rise. It is one of the most gratifying circumstances of the times in which we live to see two great nations, situated close to each other, each gifted by nature with various qualities entitling them to the esteem, to the friendship, and I will say to the admiration, of each other, capable of rendering each other the most important services, capable also—if actuated by fatal passions—of inflicting upon each other the greatest calamities—it is most gratifying to see that every day, every month, and every year brings these two nations into more general and friendly contact, and that feelings of mutual friendship and esteem are rapidly succeeding those antiquated notions of national antipathy of which I trust there will very soon remain no trace except the records which former histories may contain."—[3 *Hansard*, cxvii. 936.]

If this were so, why did we constantly strive and strain every nerve to revive and resuscitate these antiquated national antipathies? A course more unpatriotic could not be taken by any Member of that House. Where were the facts at present calling for an increase of our forces? The hon. and gallant General (Sir De L. Evans) who moved the Amendment had stated that we had in the United Kingdom 67,000 men—infantry, cavalry, and artillery—exclusive of pensioners, dockyard battalions, and other kinds of force, which undoubtedly would be available in a moment of emergency. What was our position in 1803, when everybody knew that a war was inevitable—for every one felt that the peace of Amiens would be but of short duration. In those days of excitement, at the opening of that year, the land forces of all arms employed in Great Britain only amounted to 66,574—infantry, cavalry, and artillery. The English Ambassador had been insulted in Paris ; he had returned to England; the whole community knew that war was inevitable; and yet it was not till a week after Lord Whitworth left Paris, and when the war was certain, that a Bill was introduced into the House of Commons by the Secretary at War for calling out the regular militia. The Bill quickly passed through all its stages; and a vast military movement began throughout the country. We did very well then; but where was the necessity for dealing with our military defences in the same spirit as they were dealt with at that eventful period ? The forces in France were as great as they are now; the resumption of that war was but the continuation of the revolutionary war of 1792 that commenced in like manner. Were there any symptoms of an increase of armed forces abroad, beyond ordinary times, which should induce us to make any change in our policy ? He would deal with this subject as founded on facts, and not wander into the regions of fancy, and imagine all kinds of remote and improbable contingencies. What were the facts ? He understood that the President of France had addressed a letter to the other European Powers, declaring the most pacific intention, and that he had no wish whatever to disturb existing territorial arrangements. Did the dimunition of the national guard in France look like a desire to employ their regular army in other countries ? There was not more than ordinary activity in the French navy. But if we adopted this regular militia force, which the late Home Secretary had very truly called an offensive force—if we took a step which we had never taken unless we meant to set free our regular Army to be sent to carry on a campaign abroad—would not that tend to prevent, in France and other countries, the reduction of armaments, which it was confidently reported was likely to take place ? It was hinted that there would probably be a considerable reduction in the French army : then why should we let loose all these feelings of jealousy, alarm, and unfounded apprehension ? Show the people of England that this country was in danger, and he would undertake to say, they would do as they had done before—that they would give the Executive the means of maintaining the independence of the country, and that there would be no reluctance in providing the forces necessary for the safety of the country. But the people of England knew there was a danger of another kind, which had never been mentioned in these debates. Admitting that invasions and wars were possible, there was another possibility; if they gave the Executive a larger disposable military power than the circumstances of the country required, who knew what might be the tone assumed by that Executive in its foreign relations ? Give the Executive the power of garrisoning the United Kingdom with a militia force, and who knew, when they felt that they had some 30,000 or 40,000 disposable soldiers, whom they could send here or there campaigning, whether they might not assume a tone in dealing with foreign countries that might bring about the very war we were so anxious to avoid ? The danger he thus suggested was shown to be reasonable, because we had taken the course of interference in former times. Facts, history, and experience showed that it was dangerous to entrust the Executive of England with too large a military power; and there were no facts or experience to show that, without cause, England had ever been surprised by a sudden invasion from some friendly Power. It was extremely doubtful how this policy of ours might be viewed by foreign nations. He entirely agreed with the late Home Secretary in considering a regular militia an offensive force. Three or four years ago he was at Cherbourg; it was during the time of the Provisional Government in France; and he had the greatest difficulty in persuading a Frenchman that England was not likely to interfere with the Government of France, and perhaps land troops on the continent of Europe. He said—"Don't tell me. There are two things which England will never do : England will never repeal her Navigation Laws, and England will never cease to interfere with the internal government of the different countries of Europe; and my belief is that all this fuss which is being made in England about an invasion of England by the French is nothing but a plan for getting the English people into a proper state of hatred of France, to put them, as it may be termed, into fighting condition, in order that the English Government may be enabled to pursue the policy it has pursued in olden times, that of endeavouring to interfere with and dictate upon the affairs of Europe." He had told his friend that he was completely mistaken; that England would repeal her Navigation Laws, and would desist from that fatal policy of interference which had been the cause of so many disasters. Thus it was not only in this country that invasions were dreaded; and when Frenchmen saw these preparations, and connected them with our conduct in former times, they might have their alarms and jealousies awakened, as they were awakened in the rural districts of this country. It had been said, that after a long peace, it was necessary to do something to awaken the martial spirit of this country—that we had gone back in military feeling, had become effeminate and enervated by the long peace, and that if some powerful country were to interfere with us, we might perhaps have to submit to great indignities and humiliations; and, therefore, it was proposed to call out the militia. On this subject he would read an extract from Sir J. Mackintosh, who said—

> "A free nation, like ours, full of activity and boldness, and yet full of order, has all the elements and habits of an Army prepared by the happy frame of its society. We require no military establishments to nurse our martial spirit. It is our distinction that we have ever proved ourselves in time of need a nation of warriors, and that we never have been a people of soldiers. It is no refinement to say, that the national courage and intellect have acted with more vigour on the approach of hostility, because we are not teazed and worried into petty activity, because a proud and serious people have not been degraded in their own eyes, by acting their awkward part in holiday parade." * * * * "Freemen are brave because they rely on themselves. Liberty is our national point of honour. The pride of liberty is the spring of our national courage. The independent spirit, the high feeling of personal dignity, and the consequent sensibility to national honour, the true sources of that valour for which this nation has been renowned for ages, have been in a great measure created and preserved by their being accustomed to trust to themselves for defence against invasion from abroad, or tyranny, at home. If they lean on an Army for safety, they will soon look to it with awe, and thus gradually lose those sentiments of self-respect and self-dependence, that pride of liberty, which are the peculiar and the most solid defences of this country."

With regard to the panic, he would take leave to add to the valuable quotation given by the hon. Baronet the Member for Tamworth, from that distinguished statesman, the late Sir Robert Peel, the opinion which he had expressed in reference to the panic of 1848; and he would apply it also to the panic of 1852, seeing that the circumstances pretty nearly resembled one another. Sir Robert Peel, on the 22nd of February, 1848, when they had got over the militia fit, said—

> "After the panic which prevailed in this country about a month since, I am glad to find the tide has ebbed so fast, and that the alarm on the subject of invasion has visibly abated. I was afraid the Government might have been unduly influenced by that alarm; and I am relieved when I learn that it is not intended to make any increase in the military or naval force."—[3 *Hansard*, xcvi. 1073.]

He believed that if that lamented and distinguished statesman were amongst us now, he would have delivered a somewhat similar opinion. The noble Lord the Member for the City of London, when Prime Minister of the country, with all the responsibility of that station upon him, also said—

> "I have heard much—perhaps more than the public have heard—of the insufficiency of our forces, and that we had never made any preparation for sudden hostilities. Now, I wished to show that, so far from this being the case, that we had already made the very preparations which persons wished us to make; that we had year after year been increasing our forces; that we were therefore in a situation of as great strength as we were required to be; and that we had nothing to fear from a sudden outbreak of hostilities, however unexpected it might be."

Now, if he were told he must bow to the authority of distinguished men, he would ask for some authority who had been decently consistent on this question. What were they told to-night? A late Lord of the Admiralty (Admiral Berkeley), said he did not want any additional military forces at all: he would make invasion impossible with an addition of 4,000 men and 1,000 boys to the naval force. A gallant General near him doubted extremely whether there was any necessity for any increase of our forces at all. Though it might be said to be presumptuous for an independent Member of Parliament to form an opinion on this question of national defences, yet when great authorities contradicted one another, and were disputing as to the nature of the danger they apprehended, and the kind of force necessary to meet that danger, it was extremely difficult for an independent Member, like himself, who had to give an account to his constituents, to do otherwise than judge for himself. He should be glad to shelter himself under some distinguished authority; but on whom was he to rely? One right hon. Gentleman (Mr. Ellice), who had formerly been a Member of the late Government, said, they knew nothing of their defences—they ought to have an inquiry before they legislated at all. A more confused mess, and a more unsatisfactory position for the war party to be in—if he might be allowed to use the term, as those who acted with him were called the party of peace—a more unsatisfactory, a more melancholy and humiliating position, it was difficult to conceive; and it was one which deprived them of all legitimate authority in the formation of his opinion. Adverting to the merits of the plan, what was it proposed to do? The noble Lord the Member for Tiverton (Viscount Palmerston) said, that when the militiamen had been got together with a bounty of 6*l.* a head, he had, in the simplicity of his nature, such confidence in the people of England, that he had no doubt they would all make their appearance a second time when called upon. He (Mr. M. Gibson) admired the generous, confiding spirit which the noble Lord displayed, but he could not coincide with it. If this were true, what was the use of being so particular about the Mutiny Act? The Army might be allowed to go and amuse themselves for two or three months, after they had enlisted and taken the oaths. No doubt their feelings of patriotism would bring them all back. But how account for the statement of the hon. Member for West Kent (Mr. L. Hodges), of 800 desertions from one militia regiment? If these men would run the risk of the severe punishment of the martial law to get away from their service, was it to be supposed that they would make their appearance when wanted? During ten years, the deserters from the Army, with all the fearful consequences hanging over them, had been no less than 53,000 men. Many might enter the militia with a good resolve to come again; but after undergoing the tedious and vexatious process of discipline, it was very doubtful whether they would not be absent upon a second call. To rely on their coming again was not wise. If a Member of the Peace Society had said this, he would have been told he was a dreamer, a Utopian, and had too much confidence in the people. He doubted whether, in the manufacturing districts, they would get the bounty men. There was general employment, and the men could earn wages higher than this bounty, large as it was, and then it would be necessary to have recourse to the ballot, which was no less than a conscription for compulsory military service. They were going to take young men from the loom, from the workshop, from their various employments, and drill them in some country town for a month. Suppose a man was superintending a steam-engine; the works could not be stopped while he was absent, and was it certain that he would be restored to the position which he had been compelled to relinquish? What was then to become of his wife and family? Was there any provision to be made for their support? Were the wife and family to be put on the Poor Rates, and so to add to those burdens upon land of which we heard so much? If there was a case for compulsory serving in the militia, there was equally a case for forcible impressment in the Navy, or any other extreme measure of that kind. There was a very different state of feeling prevailing now to that which prevailed in the time of George III., to which the framers of this Bill would have us go back. The ballot would probably reach a great many who would have religious feelings on this question, and some, perhaps, would refuse to serve at all. Were those men to be sent to gaol? The Duke of Wellington had said on one occasion that persons who had honest scruples about religion had no business in the army. The ballot, however, would make no discrimination, and the bounty-men, who would probably be persons who, either from loss of character, or from other causes, were out of employment, would be associated with young men piously brought up—perhaps Sunday school teachers—and they would all be billeted together in some beershop or public-house. It was impossible to conceive a proceeding more at variance with the feelings of the people of this country, and, unless some better plan than this could be suggested, the Government had better defer their measure until they had submitted it to more mature deliberation. He should be glad to know, also, whether the publicans, at whose houses the militiamen were, he presumed, to be billeted, for he had not heard that new barracks were to be erected, should not be considered in the matter, as they would be called on to supply these men at a considerable loss. In every point of view he looked upon this measure—though it might have been adapted to the less advanced times of George III.—as by no means adapted to the times of Queen Victoria. Reference had been made to the American militia; but the right hon. Secretary for the Colonies was mistaken as to the militia law of that country being so stringent or so compulsory as he supposed. It was nothing but a muster of the ablebodied inhabitants; there was no ballot—practically, no compulsion; for no one need go who would pay an inconsiderable fine- ·75 cents. Their militia was only a muster for three, and not consecutive, days in the year—one in spring, one in the middle of the year, and one in autumn, so as to interfere least with the general business of the country. Any one who was earning more than he thought it worth while to sacrifice, might, by paying a very small fine, avoid going altogether. In the six New England States, this militia had been positively laughed out of existence, and could hardly be said to exist at all. Even the army of the United States was only 9,000 men, spread over that immense continent from California to Maine. A gentleman who had lived in the United States many years, and travelled in almost all parts of the country, said he had never seen a soldier in the United States uniform, and could not tell what it was. He (Mr. M. Gibson) did not believe the militia there had any uniform. He would read what had occurred in reference to this United States militia. Some years back the Secretary at War had addressed to some of the most respectable militia officers in the United States a circular containing a number of questions relating to military affairs. One was—"From your experience are frequent musters advantageous to the great body of the militia?" The following answers were returned:—

> "Pennsylvania.—General Cadwallader: I do not consider frequent musters as advantageous to the great body of the militia. No correct instruction is received at such musters, and their effect on the morals of the people is positively injurious.
>
> "Colonel Watmonk: Nothing can be more entirely inefficient than the militia under the existing organisation. Attend a militia muster under its most favourable circumstances, in a retired country situation, and riot, drunkenness, and every species of immorality, are the order of the day.
>
> "Colonel Williams: All the musters at which I have been present, so far from being advantageous, were always scenes of the lowest and most destructive dissipation, where nothing was to be acquired but the most pernicious habits. Our militia are worse than useless.
>
> "General Cooke: They are, instead of schools of practice, schools of insubordination and vice, where the first and simplest duties of a soldier are rarely, if ever, taught.
>
> "General Harwood, Maryland: My experience of musters is considerable, having attended them as commander of the 22nd Regt. for many years, and I am decidedly of opinion that they are disadvantageous to the militia. They tend to corrupt the morals of the people, and no information can be derived at them."

He (Mr. M. Gibson) had felt it his duty to express himself strongly on this subject, because 13,000 or 14,000 young men would be drawn from South Lancashire and the West Riding of Yorkshire, the seats of our cotton and woollen manufactures; and it would be no small disturbance to the industry of the country to make such an inroad amongst their most vigorous and able young men, and no light injustice to the men to be compelled to forego the large earnings they were now receiving in their respective employments. He hoped this measure might be defeated; and, as he did not wish to be misunderstood, in the present position of this country, and in the present state of their relations with foreign States, he did not think that it was necessary to add at all to our present military force, and, if it were, the last mode which he should be willing to adopt was the plan that had been suggested by Her Majesty's Government.

Mr. SIDNEY HERBERT said, he apprehended that they were now assembled for the purpose of discussing the principle of a militia as an element of a peace establishment. He thought he might consider that among the various opponents of the present measure, those Gentlemen who had brought forward a substitute for a militia, or rather alternative plans in lieu of a militia, as admitting, like himself, that the present state of the country's defences were not satisfactory, and that some additional steps for the protection of the Realm were required. Others there were who, like the right hon. Gentleman who had just sat down, took higher ground—more distinct, but not more difficult to grapple with. That right hon. Gentleman said, "I am for no militia—I am for no alternative—I am for no increase of our force, because our present force is ample, and because there is every prospect of the continuance of permanent peace, and no apprehension of external danger." Then again the right hon. Gentleman looked upon the militia as an aggressive force, and stated that all the Bills for the enrolment of a militia had been introduced with a view to an aggressive war. He (Mr. S. Herbert), on the contrary, looked upon the militia as essentially a part of a peace establishment. The right hon. Gentleman spoke of former Militia Bills as having been passed in a time of war; his (Mr. S. Herbert's) recollection, if it did not greatly deceive him, told him that the first Militia Bill of the modern type was passed in 1786, a period not of war, but in a time of peace, and just after the conclusion of the American war. And the Militia Bill of the 42nd George III., c. 90, of which the right hon. Gentleman had said so much, was it passed in view or in anticipation of war? No; it was passed in 1802, just after the peace of Amiens. Therefore, past precedents as to the time of passing Militia Acts did not confirm the right hon. Gentleman's views, that a Militia Law was never passed except in a time of warfare, or for the purposes of war. But, now, he must refer to a speech which he heard on Friday night with great pleasure—for it indicated considerable talent —from the hon. Baronet the Member for Tamworth (Sir R. Peel). The hon. Baronet said there were three ways by which persons in a private station might judge of the necessity of having recourse to defensive measures. The first was the sensitive ramifications of commerce which ran through the world, and which vibrate to the slightest touch of danger; then there was the press, which was better instructed and gave more rapid information than could be obtained through the regular official channels; and, lastly, they had skilled and able men as diplomatists, whose watchful vigilance it was impossible to escape. With respect to the first, he (Mr. S. Herbert) doubted very much whether commerce would give any very safe indication of peace or war. Commerce was ever blind to the future. It hoped to the very last moment. It would not contemplate a loss; and because the removal of the capital employed would be a loss, it continued to hope. And what was the proof? In all wars, unless those which had been preceded by long intricate negotiations, what interest had suffered first and most? Why, the commercial interest. Embargoes were laid upon the vessels in the ports of the hostile nations, occasioning the deepest losses to those engaged in commercial transactions. Well, then, commerce, in his opinion, could not be trusted to give safe indications of peace or war. He then came to the press. The press was to give them warning when danger was at hand. But if this was the case, had the country not had warning enough in all conscience. In his opinion they had too much of it, because he thought the tone of hostile criticism which had been adopted with respect to the domestic affairs of a neighbouring country, had been unfounded and extremely injudicious. He thought it injudicious, because every nation was the best judge of its own affairs. It was for a nation to decide upon what form of government suited it best. Whether it was absolute or democratic, it was nothing to them; and so long as it was tolerated by the people themselves, they ought to respect it. There was nothing a nation so much resented as this interference of a foreign press in matters which only concerned themselves. It even enlisted their sympathies in favour of that which they would have otherwise rejected. They did not desire any meddling with that which it was their province to chastise where there was guilt; and provided they tolerated a particular form of government, what right had this country to object? Much evil, he thought, had been done not only in a neighbouring country, but throughout Europe, in that way. The French nation might have reasons that operated with them, with which we did not sympathise. But there was no reason to doubt that the French nation were contented with their form of government, and with the person who filled the highest office in it. With regard to diplomacy, he attached more importance to its agency than that of the others. Governments were responsible for the safety of the country, and that responsibility weighed most heavily upon them. Any failure upon their part would be severely visited by the country. It was natural, then, that the agents of diplomacy should keep a watchful eye upon all that was passing around them. But when two Governments in succession told them that there was danger—and they were the most competent judges as to what danger threatened—he must say that he listened with great respect to their opinion. When, therefore, they called upon the House to frame a Militia Bill, he was not willing to take upon himself the responsibility of refusing his assent to such a measure. The noble Lord (Viscount Palmerston), who was not then in this place, spoke of the difference made in their insular position by steam. It was obvious to every Gentleman, that before the agency of steam was employed, so long as the wind blew from the west, which it did for three parts of the year— [*A laugh.*] It was unfortunate to make that observation now, but, as the east wind had lasted only a third of the year, he was still safe in his assertion that we had westerly winds for the remaining two-thirds of the year, and so long as those westerly winds lasted, every man who was charged in any degree with the safety of the country could sleep in peace. But those times had gone by. Well, then, they had a Navy which was acknowledged to be pre-eminent in the world. The French had a navy—he was not going to make any comparison with the naval power of that country as compared with this from any apprehension of hostilities with that country; but he merely took the next country, which was next to us geographically, and the most important in the European scale, and he said that France had a navy which was inferior in amount, in number, and perhaps in skill to ours, but which had the advantage of far greater concentration. Our Navy was scattered all over the world; while France, possessing few foreign dependencies, had most of her fleet congregated in her Channel ports, or in the Mediterranean, which was to them a home station. France, also, enjoyed great means of communication, not only by sea but overland between her arsenals, from the Mediterranean to the Atlantic; and the House should recollect that the quarter from whence an invading force may be anticipated, might be considerably less distant than those stations on our coast where our defensive troops would be stationed. Our Navy was, he believed, truly said to be in a greater state of efficiency than was ever before known. He perfectly agreed in that opinion. But the Navy was only the first line of defence, and if it were broken through, we ought to consider what was best to be done to compensate for that disaster. A return moved for by the hon. Member for Montrose (Mr. Hume), which had appeared in the *Times*, had been a good deal used in the debate, but it seemed to him (Mr. S. Herbert) calculated to give a very false impression of the amount of available force at the present moment. The hon. Member moved for this return to suit his own views, and, in order to give the largest force that could be shown; he had, therefore, moved for a return of the force of all ranks upon full pay, which was given as 61,000; and with the artillery, 7,000, made in all 68,000. This, however, was not the usual way of moving for Military Returns. The hon. Member ought not to have moved for the whole number receiving full pay, but for the number of rank and file available. A very considerable number ought therefore to be deducted from that force. They should also make a very considerable reduction in the item of pensioners. The number of pensioners set down in the return was 16,000, only 9,000 of whom were in England, the others were in Ireland and Scotland. The volunteers and yeomanry amounted to 14,000. The marines ashore were calculated at 5,000 men; but the moment they had a war, what became of the 5,000 marines ashore? Why they immediately became 5,000 marines afloat, for upon these men they depended to man the steamers. The coast guard were calculated at 5,000, but they also would be used, if at all, afloat. When, too, did a country most want the sinews of war and a large revenue? Why, when there was an apprehension of invasion; and he should like to ask the Chairman of the Customs' Committee whether a vessel with a cargo of tobacco, with a duty of 800 per cent, might be trusted to land her cargo at one of Her Majesty's quays if the 5,000 coast guards were taken for a defensive force? The dockyard battalions was estimated at 5,000 men, trained to the use of guns, but in time of war not one of them could be spared. Every man of them would be required almost night and day on the ship's sides. There was then left the Irish constabulary, amounting to 10,000 men. He would only ask whether it was the opinion of Gentlemen that such was the state of Ireland, and such the difference between a state of war and of peace, that such a force as this, necessary in time of peace, would become unnecessary in war? It was necessary that they should show this before they could withdraw them. He thought, also, that the 7,500 men who acted as police in London, would find it necessary, no matter what was the alarm, to remain at their beats. He did not know why parish constables and gamekeepers were not included by the hon. Member in this return, for they would be just as useful, and they would be just as likely to get them. The whole aggregate of the return amounts to 130,000 men; if, then, they deducted the last five items, amounting to 32,000, it would leave a balance of 98,000, from which, if they deducted one-seventh for casualties, they would have a force of 84,000. But he wished to know what was the real force at their disposal. The army at home, rank and file, including artillery, and sappers and miners, amounted to 66,618, from which they should deduct the force in Ireland, amounting to 21,208 men, leaving a balance of 45,410. He deducted the troops in Ireland because he was speaking of the force absolutely available in case of hostilities. But they should further deduct from the whole of this force one-seventh for casualties, servants, packmen, deserters, &c. He had consulted some experienced officers. Some had put it as low as one-eighth; some had put it as high as one-fifth; but he understood that in all past wars one-seventh was the number generally deducted. If they made, then, this deduction of one-seventh, they would have a force left of 38,923. Deduct for the Channel Islands, which the instant there was an alarm would require, in addition to their militia, regular infantry—Jersey, 1,500; Guernsey, 1,500; Alderney, 2,000; making altogether 5,000 men. This would reduce your force of 38,923 to 33,923. But in order to arrive at the amount of their infantry force, they should deduct for cavalry, 5,000; for horse artillery, 700; which, with the deductions of one-seventh would leave an infantry force of 29,037 men; add 8,304 pensioners in England, and the force would then amount to 37,341 men. From this they should deduct the infantry and artillery required for arsenals and forts. For London, the Thames, Sheerness, Chatham, Woolwich, Tilbury, Purfleet, and Deptford, 10,000; Dover, 2,000; Portsmouth, 5,000; Plymouth, 5,000; Pembroke, which was not fortified, and where there was no defence for the dockyard, 3,000; amounting altogether to 25,000 men. These numbers were given to him as the lowest necessary for the defence of those places, but the Duke of Wellington put these garrisons at 30,000. This was leaving the available force for the field only 12,341 men. Add cavalry and horse artillery, 4,886, leaving as your real available force only 17,227 men. Now, this was not a force in a high state of efficiency, ready to march in every direction; a great deal of it was made up of depôts of regiments, the greater portion of which were serving in India and the colonies, bodies not much accustomed to act together; therefore they must make this allowance, that it was not a picked force of efficient men. They should recollect also that to bring this force together they must denude every portion of Great Britain of the troops usually maintained in time of peace. Now, in large populous districts, on the breaking out of war, trade was checked, foreign orders did not come in, employment was stopped, and the price of food also rose. In such a case there were likely to be disturbances; but by withdrawing the troops they incurred a great risk; and how were they to supply the deficiency? To meet the deficiency, the noble Lord (Lord J. Russell) proposed, among other things, an augmentation of the pensioners; but he believed they were labouring under a delusion if they expected good and efficient service from that quarter. The introduction of the ten years' service would greatly reduce the number of pensioners. The late Secretary at War, now Lord Panmure, when proposing that measure, instanced as one of the advantages of the short-service system, that the number of pensioners would dwindle away, and that considerable economy would thus be effected—so that it might fairly be expected the number of pensioners available for service would annually become less. The noble Lord also said, that he would not object to a force of 10,000 men embodied as a militia. But there would be this disadvantage attaching to this force of 10,000 men, that they, being guaranteed against foreign service, would be unable to relieve your already overwrought garrisons in your colonies. And as this force would be selected by ballot, they would have in operation all the disadvantages which applied to compulsory service; and they would propose to inflict upon the people all the hardships of a time of war in a time of peace, when they were not necessary. Then it was proposed to have an augmentation of the Army. There was a school in that House which objected to such a system. However this was, at all events, certain, that a degree of unanimity was evinced in favour of a standing Army which he had never witnessed before. But there were several difficulties in his mind to an augmentation of the standing Army. It was said that a regular soldier was better than a militiaman. But a regular soldier cost ten times as much as a militiaman. The question therefore was, what is the number of regulars you can afford to keep for the same outlay as your militia force would require, and what is the proportionate value they will have? 10,000 or 12,000 regulars will cost as much as 80,000 militiamen. He assumed that the bounty would be about *5l.* per head over the five years when he made this calculation. The question they had to consider was, what was the best and the cheapest kind of peace establishment?—which was most capable of being enlarged in war? 80,000 men were required, and the question was, which is easiest, to raise some force of 12,000 regulars to 80,000, or convert your 80,000 militiamen into soldiers? In the years 1845 and 1846, when Lord Hardinge fought his great battles in India, and when the East India Company were enlisting as rapidly as they could, during that period, from the 1st of January to the 31st of December, the largest number raised was 22,000 men. At that rate, they would be three years getting up their force to the required number. Everything in this question would depend upon the value of militiamen, and their capability of being trained into regular soldiers. Reference had been made to the opinion of General Cadwallader; but the opinions quoted as his had little to do with the subject they were now discussing, for no one pretended that one day's training could make a soldier. But the question as regarded the militia was not one of speculation with them, for they had the experience of past results to guide them. Before referring to these, however, he begged to say that he had no prejudice against a standing army on the ground of its being unconstitutional. That time had gone by. Neither had he any peculiar affection for a militia, though he should like to see it established as a sort of army of reserve. Was the militia a useless force during the late war? Did it or did it not contribute to the efficiency of the regular Army? From first to last 100,000 men volunteered from the militia into the line. In 1813 no fewer than 19,000 men went over from the militia into the line. At Albuera, at Badajoz, in Portugal, in Egypt, they covered the ground and acted with their choicest troops. And had it not been proved that our military system derived great advantage from the militia? They were found of the greatest assistance. Later, again, take the instance of Waterloo: it would surprise the House if they inquired how our forces were composed there. At Waterloo we had but 18,000 infantry of the line, and a majority of those were militiamen who had volunteered into the line. There was the German Legion certainly, than whom no finer troops existed; but the Hanoverians and the Brunswickers were militiamen. Well, then, let them not say that a militia was a useless force. Those who opposed the Bill spoke of the militia in two different ways. One party said that they were about to turn dangerous citizens into trained soldiers; the other, that it would be useless to call them soldiers. Now, he took it that they were either trained or not; if the latter, they were not dangerous, but if they were trained they could not be useless. With reference to the particular measure before them, he greatly regretted that this Bil did not consolidate the law respecting the militia, and he thought there were several points in which it could be materially improved. His impression was, that if they did not ask for too many men in the first instance, they might get the force required entirely from volunteers. They had experience from the past. In 1809, in 1810, and in 1812 and 1813, the militia was raised by bounty. The hon. Member for Manchester said that those were the dark ages of George III., and that we did not take the same interest in the national welfare of the country now, But 1831 was not in the dark ages, and yet Colonel Wood, well known to that House, raised in that year 1,100 men from Middlesex entirely by bounty, and without ballot. He (Mr. S. Herbert) did not see, therefore, why there should not be as great facility in raising these men now as then. In considering this question they ought not to overlook the great reason why they could maintain the militia when they could not an increase of the regular Army. He saw it lately stated with great force in the press, that the chief difficulties as regarded the standing Army were difficulties arising from the constitution of the House of Commons. In that House they had got into the habit of not speaking the truth on these subjects. They did not tell the country what it wanted; they did not claim from it the sacrifices that were required, because to do so would produce unpopularity. This was neither right nor necessauy. Often and often they had seen that when popular opposition to such reasonable demands was, strenuously resisted, it died away. He remembered well the desperate opposition of the hon. Member for Finsbury to the Bill for enrolling the pensioners—how, night after night, they had divisions against what they were told was a most dangerous and unconstitutional measure. But that Bill had been carried into effect with complete success, and it was acknowledged even by its opponents to have been attended with none of the ill effects which they had predicted. He must say, however, that he did not expect to see any great augmentation of their defences, and for this they were themselves very much to blame. They had got into a groove in these matters which they were not likely to leave. It was much easier to carry out economy by striking off a number of men in the gross, than by searching into troublesome details, though by the latter method economy might be more effectually practised without reducing efficiency. It was of no use to tell him there was this objection and that objection to the militia. There was no system that could be devised that would not have its disadvantages; but the question was, in what scheme did the balance of advantages lie? He confessed, for his part, without giving any opinion as to the details of the Bill before them, but hoping that it would be carried out by voluntary enlistment, which he greatly preferred, that to the principle of that Bill he gave his cordial support. He looked upon it, in fact, as an insurance upon property, an insurance upon industry, an insurance upon honour, and, in short, an insurance upon everything that involved our national welfare. If we were unwilling to defend these blessings, we did not deserve to enjoy them. When a nation enjoyed great wealth, it brought with it the love of luxuries, and all the comforts of life, and these became so much necessities that it was found difficult to sacrifice them. But it would be a disgrace to this country, and a stigma on our civilisation, if we allowed those luxurious habits to interfere with our duty to our country, and our readiness to maintain the freedom of our institutions, and the religion that we professed; and if we showed an unwillingness to make these efforts, at some inconvenience, to place the country in such a state of defence as would secure it from the possibility of an attempt at foreign irruption. He hoped they would not be like the people mentioned in holy writ, who lived carelessly, who lived securely and quietly, but their land was good, the invader was tempted, and in the midst of their security those men were put to the sword. They had by these discussions advertised their position. They had proclaimed through the mouths of two Governments the necessity of defence, and, having so done, if they now fell back without making an attempt to remedy the evils they had themselves not only admitted but proclaimed, they would be guilty of treason to the welfare of the State.

Mr. STANFORD said, he had listened to the able and eloquent speech of the right hon. Gentleman who had last spoken, but he wished he had explained to the House what was the species of danger which they were called on to guard against. It was out of the question to believe that the French could ever meditate the conquest of England, with the view of permanently settling themselves in it. The danger apprehended, therefore, was some sort of incursion for the purpose of mischief and plunder. Every man would admit that we should take steps to guard the country against such a danger; and the question was whether a militia force was the one best calculated to meet the emergency. His own opinion was rather in favour of increasing the regular Army; but as no proposal of that kind had been made, and, not wishing to throw obstacles in the way of the present measure, he should not refuse giving it his humble support.

Mr. H. BERKELEY entreated the indulgence of the House whilst he explained the vote he was about to give. He was one of those who thought that it was wise that they should take precautions in the present state of Europe for the protection of the country. He agreed in the principle of more adequate protection to the country, whether propounded by the noble Lord (Lord J. Russell), whether propounded by the right hon. Gentleman (Mr. Walpole), or whether propounded by the noble Lord the Member for Tiverton (Viscount Palmerston). But he totally disagreed with them all as to the necessity of calling out the militia, because he disbelieved in its furnishing the protection required. He knew it was a measure received with alarm and jealousy by a very large part of the community. He knew that the people would infinitely prefer to pay for an increase of the regular Army than to pay for calling out a force on which no dependence could be placed. He was satisfied it would be more agreeable to the majority of the people to increase the Army, to man the Navy, to send out their numerous ships, and, instead of calling out the militia, to rely on those voluntary forces which would be forthcoming if Government were pleased to give them any encouragement. He also objected to calling out the militia, upon social and moral grounds. He conceived that if they took a man from his usual occupation at the barn's door or the plough's tail, they changed his ideas, they changed the colour of his mind; they placed him in a new situation under strict discipline, and then, his own master, they returned him with a distaste for his former avocations, and most probably not only totally unfitted him for the situation which he before held, but they made him a very bad character. He had heard magistrates, upon the last disembodiment of the militia, complain grievously of the great increase of crime amongst that class of persons. Now he contended that they had, at least, a right to a well-appointed army and a well-appointed navy, and to expect that both would have the best equipments, and would not be sent out totally unprepared for the services they had to undertake. Yet such had been the case, and he complained that the Executive had sent their brave men into the field under more disadvantageous circumstances than any other troops in Europe. As regarded the Navy, it had been said that it was far superior to the French navy. He knew that the seamen were made of far superior stuff to the French, but he was unaware that any proof existed that their Navy was at all more efficient than the French navy; and he was at a loss to know how it could be proved that they were on an equal footing with them. They could not disguise from themselves that their steam navy was in a far more inefficient state. They could not disguise from themselves that that branch of the service had been a failure. They could not conceal from themselves that when a steam man-of-war was ordered to sail from a port to some foreign station, two to one she put back to some port in England, totally disabled from the deficiency of her machinery. How often had that been been the case? Upon a question of national defences, that was a point they had a right to look to, and he trusted the right hon. Gentlemen opposite (now that they had entered office for the first time, and now that they had the great advantage of an Admiralty with a noble Duke at the head of it experienced in naval affairs, and, for once, not a civilian), would effect great improvements in that branch of the service. What had occurred lately in India and at the Cape of Good Hope showed the necessity of some little further preparation as regarded their Army. Surely the Executive had been to blame in sending out their gallant men, such as those brilliant examples of discipline on board the unfortunate *Birkenhead*, dressed like targets, in red and white, and armed with useless muskets, to be shot down by savages without the means of resistance from the deficiency of their weapons. Surely those things demanded the attention of the House and of the country. He had said that he thought their voluntary forces ought to be increased, and encouragement given to the volunteer corps to meet together, and acquire a knowledge of the modern rifle. He believed such a force, with a small increase of the Army, would altogether supersede the necessity of the militia. One suggestion more. He thought their gallant yeomanry should be dismounted from their horses and enrolled as rifle corps. They would then be of some service. They need not be ashamed to wear the green—that colour in which their ancestors so distinguished themselves when the yeomanry of England were the best soldiers in Europe, and when the common form of commendation was, "It was well and yeomanly done." Let them be clothed in Lincoln green if they would, and let them be headed by noblemen and gentlemen of the land, and a more effective body of riflemen than the tenantry of the great estates and the yeomanry, now perfectly useless in a military point of view, could not be found.

Sir CHARLES BURRELL was of opinion that the militia would at the present time be the best organised and least expensive force. Therefore he should support the Bill.

Mr. ROEBUCK said, as the representative of a manufacturing town, he was desirous of expressing his opinion on the question before the House. Two points presented themselves for consideration—first, was there a necessity for increasing the national defences; and, secondly, if the necessity existed, what was the best mode of effecting that increase? Great unanimity of opinion prevailed with respect to the first point. Until a very recent period he thought the noble Lord the Member for London (Lord John Russell) shared in that opinion. The Members of the present Government were of that opinion. They thought, as he understood, that there was an immediate necessity for adding to our defences—that there was something abroad which rendered it necessary for us to take immediate steps for that purpose; and that, too, he imagined, had been the opinion of the noble Lord the Member for London, when he proposed his Militia Bill. The noble Lord, however, left office, and now, when another Militia Bill was proposed by the present Government, he found the noble

Lord modifying his preconceived opinion, and to have come to the conclusion, that whatever might be the necessity for measures of defence, that necessity was not immediate. He (Mr. Roebuck) believed that there was a vague manner of talking about that question. He wanted to know out of what that necessity arose? How was it that all of them, with the exception of the Members of one particular school, when talking together in private upon that subject, spoke only of one people, and pointed only at one man. The French were the people—the President of France was the man. We knew that there unfortunately existed in the minds of the French people a feeling of jealousy regarding this country, which a bad man might take advantage of, and we all knew that the bad man was now in power. [An expression of dissent.] It was all very well to say "No," but that was not what we said to one another in private. Away with pretences! We all knew that there was a man now in power in France who had arrived at the possession of power by breaking through all the sanctions by which men were ordinarily bound. We knew that he could only retain possession of power by pandering to the prejudices of his countrymen, and we knew that one of the strongest of those prejudices was, unfortunately, that to which he had referred, namely, a jealousy of this country. He had a large army, and on that army depended his power. Upon that army his power rested; and we all felt, and he dared any one to deny it, that his popularity with the army might be indefinitely increased by undertaking the invasion of England. It was absurd not to speak the truth. This, then, was the difficulty before us. The noble Lord the Member for London did not state this difficulty when he brought forward his Militia Bill; but did he not mean it? Was it not also meant by those who had brought forward the present Militia Bill? We had no fear of invasion before 1848; we had no fear before the President possessed himself of supreme power. [Mr. M. GIBSON said, that a Militia Bill had been introduced before that period.] Why should the right hon. Gentleman interrupt him? He had listened to him with the utmost patience. Let the right hon. Gentleman imitate his patience. To please the right hon. Gentleman he would put the case hypothetically. Supposing, then, that a bad man were in possession of power in France; supposing, then, that he had an army of 500,000 men within twenty miles of our coast—supposing that he ruled over a people jealous of our country, and burning with desire to avenge past reverses—supposing they had arrived at a period of the world when the means of military aggression had been immeasurably increased—then came the question, what were they to do under those circumstances? Allusions had been made to the events of the year 1804. There was then, as the ruler of France, a man with a mind gigantic almost beyond conception—the first general the world ever knew, commanding an army whose exploits had never been surpassed. But let them recollect that it was the mere accident of Villeneuve not being bold enough to cross the Channel that prevented Napoleon landing in England. That was a point which was not to be dealt with lightly. He assembled an army of 60,000 men on the French coast, and could have embarked them in his flotilla in twenty minutes. To the completion of his design only twenty-four hours' command of the Channel was necessary. There were there the man and the army; but the twenty-four hours' command of the Channel was wanting. Now there were the man and the army, and—owing to the application of steam to the purposes of marine—the twenty-four hours' command of the Channel was no longer indispensable. Persons talked about the doctrines of peace, and pamphlets were sent to him by the score, informing him that he ought on all occasions to act in accordance with those doctrines. Now, he wished to know what prevented his being knocked down and robbed as he walked the streets? Was he indebted for his safety to the influence of gospel truth, or the dread of the police? It was his belief that peace was promoted by making it exceedingly dangerous for any one to attack us. Only that morning he had been favoured with a peace offering in the form of a pamphlet, in which the writer gravely recommended that in the event of the French invading this country we should quietly submit to the infliction, in the assurance that at the end of three or four years our invaders would become ashamed of their conduct, retire, and make us a liberal compensation for the injury done to us! This was the sort of stuff which the hon. Member for the West Riding (Mr. Cobden) patronised so much. The writer of the pamphlet carried his peace doctrine to the full extent; and his consistency in that respect contrasted favourably with the half-and-half betwixt-and-between policy of other peace advocates. Mankind was still governed by the same passions which had always influenced them; and it behoved us to be on our guard, instead of allowing ourselves to be lulled into a false security. England, rich almost beyond imagining, offered powerful temptations to other nations. It was not his wish to doubt the goodness of human nature, but, referring to history, he found that every nation rich and tempting, but weak, had succumbed to an invader. He wanted to see our great and civilised country carrying out its peaceful mission; but at the same time saying to all nations of the earth, "Touch me, if you dare!" So well prepared, so well guarded against the possibility of attack, that no man, no body of men, would venture to intrude on our shores. Only conceive what would be the consequence, not merely to England, but to mankind at large, of the occupation of London but for twelve hours by an invading force. Don't tell him this was not likely to happen. Let him call to the recollection of the House, that London was the only capital in Europe in which French armies had not planted themselves. Those armies had roamed through Europe, checked only, first by frost, and secondly by England; and let the House be well assured that France had not forgotten this latter check, but was, on the contrary, now more than ever eager to have their revenge. [*Cries of* "Oh, oh!"] Gentlemen might affect to scout this statement; but there was not a man there who heard it that did not in his heart believe it. Yes, there was danger, and great danger, aye, and immediate danger; and speaking, not as an individual, but as a man interested in the destinies of humanity, as a friend of the people, he called upon the Parliament to strengthen England, not for the purpose af aggressive warfare, but of national defence. The question was, how could this best be done; how could the manifest danger be most effectually provided against? Did he agree with the noble Lord the Member for London that a militia was the best mode? No. In his belief the best mode would be, first, to make our present Navy aud Army properly available. As it was, the large body of that Navy were, he believed, cruising about in the Mediterranean. What did it do there? That was one thing he wanted particularly to know. The French, it was said, wanted to make the Mediterranean a French lake; but this was no answer to the question. What was the great bulk of our naval establishment doing in the Mediterranean? No doubt, again, the Mediterranean was an exceedingly pleasant cruising ground; but that was no reason why, in the danger which the noble Lord had allowed, and the Government proclaimed by their Bill, the great mass of our Navy should be cruising there. Why was not that Navy, or most part of it, in the Channel? That was the first question. The next question was, why were our Colonies so governed that we must have so large a proportion of our military establishments abroad? Let these two questions be answered, as essential preliminaries to the solution of the main question—what is best to be done to avert the admitted danger? In his opinion, fighting being very much like any other business, he who was bred to it fought best. He had no faith in the military capacity of what was called a militia. The noble Lord (Lord John Russell), when he introduced the first Militia Bill, observed that the art of war, like almost every other art, was now wonderfully improved; and undoubtedly there never was such a marked distinction between the rabble and an army as there was now. Therefore, if danger, threatened us, and our defences were to be strengthened, the first thing to be done, after taking care that the power we already had was properly employed, was to increase our national Army. It was said there was danger to the State from a standing Army. Now, taking France, for example, he believed that the army of France expressed, at this moment, the opinion of France, and that the Government now established in France was exactly what the French people wanted. So have an army in England fairly composed, as an English army should be, and he, for one, should have no fear for the liberties of England. On the other hand, it was said that the best way would be to have a militia; and the noble Lord the Member for Tiverton (Viscount Palmerston), in his highly artistic speech the other night, asserted, despite of his long experience of human nature, and in the simplicity of his heart, that there was such a wonderful degree of virtue in mankind, and more especially in English kind, that militiamen, once enrolled, would be, for the far greater part, found when and where they were wanted. Now, did the noble Lord really think this? Did he really believe that the people who would be brought together under the Militia Bill, for a bounty of say 6*l.*, would be, as a class, people who would be found when wanted? The noble Lord might, under the immediate influence of some singular sentimentality, have thought this when he said it, but it was very questionable whether there were twenty other men in the House to agree with him. If the militiamen contemplated were not men who would be forthcoming when wanted, where was the use of a militia? Now, let him suggest his plan. Let there be an addition made to the standing Army of some 10,000 or 12,000 men, to form skeleton regiments: this done, upon the least manifestation of invasion, these skeleton regiments could with facility be filled up, and you would have at once an addition to your effective Army of 100,000 men. Multitudes of men had proposed to enrol themselves as volunteers; why had not the offer been accepted? Where would have been the danger from such men as those? In employing them, it could not be said that you were putting muskets or rifles into the hands of the rabble, for the persons who came forward and proposed to form rifle clubs were persons who had their own rifles, and who had more or less of leisure, and who were willing to apply a portion of that leisure to the competent acquisition of military training and knowledge. You would have had 100,000 of these men under arms if you had chosen to meet their proffers. For all the reasons he had stated, he could not support this Bill. There was danger, and immediate danger, no doubt; but the proposed militia was not the best mode of meeting it; on the contrary, it would do far more mischief than good.

Mr. WALPOLE: Sir, I agree with the hon. and learned Gentleman who has just addressed the House, that there are two objections raised to this measure, one of which has been argued more faintly, while the other has been argued much more boldly; but both of them, I think, most unsuccessfully. In the first place, it has been denied that there is any necessity for such a measure as this, in order that you may put this great Kingdom in a proper state of defence; and, secondly, it is contended, that, even assuming such a necessity to exist, this is not the mode nor is this the time in which that object can be best accomplished. Now I think the necessity is proved; not, indeed, because there is in a neighbouring country the assumed possibility, if not probability, according to the hon. and learned Gentleman, of direct invasion upon us; for the hon. and learned Gentleman will recollect that the first time the militia was proposed was long before the present President of France had been placed in the position which he now occupies; it was proposed in 1846 by the Government of Sir Robert Peel, and again by the Government of the noble Lord opposite in 1847 and 1848; and it is therefore idle to contend that this measure is now brought forward in the fear of any particular circumstances which are peculiarly applicable to this particular period. How, then, is the necessity proved? First of all, we have the highest military authorities in the country declaring that something must be done to put the country in a better state of defence; secondly, we have the fact, that two successive Governments have upon mature consideration felt it to be their imperative duty to see that this is done in some way or other by some means more effective than any at present existing; and, thirdly, we have the fact so forcibly urged on more than one occasion in the course of the debate by the noble Member for Tiverton (Viscount Palmerston) that the invention and improvement of steam navigation has rendered incursion at least, if not invasion, so much more practicable than it ever was before, that I venture to affirm, no navy, however numerous and powerful, could be certain, at all times, and under all circumstances, to secure us from such incursion or invasion, without the thoroughly effective co-operation of a competent force to cover us on shore. Such are the facts which prove the necessity of the measure we propose now as to the mode by which it can be met. It was said, by the hon. and gallant Officer who moved the Amendment upon the Motion, that the necessity can be met, either by concentrating our forces at home, or, if more be required, by withdrawing our troops, or a great portion of them, away from the colonies. Sir, I think both these propositions have been met in the course of the debate. I own I am surprised that any officer, much less one of the great experience of the hon. and gallant General, should take the view that he has adopted. I should not be surprised if a mere civilian had started the idea that you might put upon paper 60,000 men, and plant them to meet 60,000 men landed on our shores, and say we will see whether these men will not be ready to defend our homes. I think that if the emergency should arise, it will be found that you cannot denude Ireland any more than you can strip the colonies of their troops. You are bound to protect that country as well as this. The 20,000 men in Ireland must remain there. The 5,000 men of the coast guard, as has been well shown by the right hon Member for South Wiltshire (Mr. S. Herbert) to-night, must protect our revenue in war as well as in peace. [Sir De L. Evans: I said nothing about them.] Well, then, it was the hon. Gentleman who seconded the Amendment. And surely, again, the hon. and gallant Member cannot seriously mean that the 10,000 men of the dockyard battalions are to be withdrawn from the points which so peculiarly require their protection? No; with all due deference to the hon. and gallant Officer, I adhere to the statements which I made in proposing the measure; statements which are under rather than over the mark; and I repeat, emphatically, the opinion which I expressed that to meet such a danger as that suggested, we should not be prepared with an effective force of as many as 25,000 men. The hon. and gallant Member says we can withdraw troops from the colonies; but I contend that we should be no more justified in leaving these extremities of the empire undefended, than we should be in leaving Ireland undefended. If, however, I were to discuss that question on its merits, I might say, looking at the 40,000 men in your colonial possessions, and seeing where they are distributed, it would be difficult to put your finger on any one colony from which you could draw any large number of men. To some of the colonies your countrymen have gone out as emigrants, and you are bound to protect them. In some you are in the midst of foreigners, more or less opposed to you, and you cannot leave those colonies without protection; and some are bounded by large and powerful countries, and you cannot and ought not to leave them defenceless. But you will find a great part of your possessions, coming under the head of colonial possessions, are military stations and maritime outposts, such as Gibraltar, Malta, the Ionian Islands, the Cape of Good Hope, Bermuda, Labuan, &c., and if you withdraw your troops from them, you might as well give up the whole of your colonial possessions. Now, I think I have shown the House the necessity which justifies the present measure; and I think, too, I have shown that you cannot meet that necessity either by a redistribution or concentration of forces, or by the withdrawal of your troops from the colonies. Something has been said by an hon. Gentleman opposite, about the best way of providing for these matters, namely, by encouraging commerce, and promoting the arts of peace. Why, we are for peace, if we can only have it; and here, again, I say with the hon. and learned Member for Sheffield (Mr. Roebuck), that the best way to maintain peace is always to be prepared to meet those who would invade it. There is no other way in which you can maintain it; and as for those who think the contrary, perhaps I may remind them of the quaint and appropriate phrase of an ancient author, who said he would wish no harm to those who would take away from men all power of self-preservation, and who would leave mankind as defenceless in the world as when they first came into it; but if he were to wish them harm he could not wish them greater than this, that, when attacked, they should feel the full force of their own doctrine. Let me now address myself to the next point, namely, assuming the necessity of providing for defence, what are the best means, as the right hon. Member for Coventry (Mr. Ellice) said early this evening, by which you can best provide for that defence? Now, several means had been suggested by different Gentlemen. The hon. and learned Gentleman (Mr. Roebuck) suggested an increase of the Navy; others have suggested an increase of the Army; and the hon. Member who seconded the Amendment suggested a large addition to our pensioners. An hon. and gallant General suggested the encouragement of volunteers; and the noble Lord opposite (Lord John Russell) would still go back to his local militia. I will say a few words on each of these points. With respect to the increase of our Navy— [Mr. Roebuck: I said I wished to see an increase of the Army.] If the hon. and learned Member did not mean the Navy, I will not discuss that point, as I wish to compress my observations within the smallest possible space, and I will proceed to the suggestion for an increase of the Army. I think that proposition has been answered over and over again. Suppose we had come down to the House and asked to add 20,000 men to our Army, what would have been said of us? You would have said, "Here is a constitutional Ministry increasing the standing Army! Here are people wishing to assert military power in this country!" That is the way in which we should have been met;

and we should have been taunted with proposing an increase of the Army instead of a militia, not because you desired the one, but wished to oppose the other. If, however, the question is to be seriously argued, I see two objections to the mode of defending the country by increasing the Army, which are quite unanswerable. The first is, that if you go on increasing the Army, other countries will do the same. They will make preparations to meet your preparations, and so you will go on, each increasing the force to such an extent against the other, that these preparations would become an incumbrance to the country instead of a defence. But there is another objection still stronger. The House of Commons will not quietly submit for many years, and I think rightly, to a large increase of the regular Army, unless it can be shown that such increase is wanted for a permanent purpose and for daily use; and not, as the militia is required for, to meet an emergency, which might not rise for many months or years. It was well observed by the late Sir Robert Peel, that this House is constantly in the habit of having hot fits and cold fits, as regards its expenditure. When under the influence of the hot fit, the House is then liberal to an extreme; but some pressure is applied to the House, and then comes a cold fit, and a rage for economy, amounting even to parsimony, rapidly follows. That is not the way in which a great country like this ought to be governed; and, if you want a force to protect you, you ought tobe sure that that force will be ready and at hand in case an emergency should arise which requires and justifies you in calling it out. It may be said that the militia will not furnish you with a body of men which you may rely on as a trained and disciplined army. True it will not; but that is not the object of the militia. The object of a militia is to have a body of men partly trained, drilled, and equipped for duty, and knowing their posts in case danger arises. These are grounds which justify a militia as contradistinguished from those which justify an increase in the regular Army. The next point to which I shall refer is the suggestion for a large addition of the pensioners, suggested by the hon. Gentleman who seconded the Amendment (Mr. Rich). We were told that we have 60,000 and odd pensioners in Great Britain and Ireland. It is true enough that in Great Britain you have 43,000 pensioners, but what is their age? The pensioners are men who become pensioners in consequence of some bodily infirmity, and are mostly mutilated with wounds. But what is the age of these men on whom you are told to rely? Out of the 43,000 in Great Britain, not 1,860 are under the age of forty-six years: all the rest are above that age, and above the age of seventy years there are 4,800. That is a force you cannot have recourse to for the defence of the country, not would it be fair to those pensioners to draw them away from distant parts of the country, with their weight of years upon them, to defend you from aggression, when you have the opportunity of calling upon younger and abler men for the service.

Mr. RICH said, he was anxious to explain, that in the proposal he made, he referred to drawing pensioners, not from the existing body, but from the Army, according to modifications which he explained at the time.

Mr. WALPOLE: I shall now proceed to the proposition which has been suggested with regard to volunteers. The main object which you ought to have in view with reference to the defence of the country, is to obtain a force which you can permanently rely on. You ought to be able to secure to yourselves a body of men for the whole period during which they should be trained and disciplined; otherwise, when the time came, and their services were required, instead of having them so trained and disciplined, you would find that you would only have recourse to a fluctuating body of men who had not served in the same ranks, or under the same commanders. You could not have men properly trained and disciplined under the volunteer system; because, at any time, according to the very principle upon which they enlist, the men may go away when they please from the service. You may rely on them as long as their enthusiasm was excited by the sense of immediate danger; but when that passed away, I will not say their patriotism would pass away, but the necessity of continuing to volunteer their services would be felt to be gone, and, consequently, if they returned, as they probably would in the course of time, you could not rely on such a body as a permanent force. It is always a popular topic to talk of the spirit and enthusiasm of the people, and to say that on those you can rely against any enemy who should be bold enough to invade our shores. We all agree in that; but let the House remember the words of the Duke of Wellington, contained in that celebrated letter which has already been alluded to in the course of this debate :—

> "We hear a great deal of the spirit of the people of England, for which no man entertains a higher respect than I do. But, unorganised, undisciplined, without systematic subordination established and well understood, this spirit, opposed to the fire of musketry and cannon, and to sabres and bayonets of disciplined troops, would only expose those animated by such spirit to confusion and destruction."

These are words which we ought not to forget. Having then disposed of these propositions, I shall now approach the last proposition made by the noble Lord opposite, which was to have his own plan of a local militia again. Now, the noble Lord will forgive me for saying that I think he has rather too highly coloured his own plan, and put our plan too much in the shade. He said that our plan was oppressive and severe, and that the men would not be a well-disciplined body, as they would be by his own plan, for by that plan he would provide men of spirit, courage, and moral energy. By our plan he said the men would be nothing but mercenaries, and they would take the bounty, and then make their way to the United States. That is the colouring put on our plan when the noble Lord painted the picture so highly. I am sorry to be compelled to do away with the impression which the noble Lord's statement was calculated to make, but which is not borne out by a careful comparison of the two measures. First, with regard to the comparative severity of these two plans. By the noble Lord's plan every man was to be drawn by ballot unless a sufficient number of volunteers offered their services by the bribe of having to serve three years instead of four. But by our plan the men are not to be drawn by ballot; they are invited to offer their services as volunteers in consideration of a bounty. Therefore, I think that the noble Lord's plan is more severe than ours. This, however, is not all. By the noble Lord's plan, the men were to be drawn from a limited number—for the first year, from between the ages of twenty to twenty-three, and in succeeding years from between the ages of twenty and twenty-one. Now, by our plan, if you go to the ballot, which possibly may not be needed, you are to draw the men from an extended area, from between the years of eighteen and thirty-five; and it requires little reasoning to show that the pressure on a small base must be greater than on a more extended one. Then, with respect to training and discipline, I own I was so astonished at what the noble Lord said, that I referred to *Hansard* to see whether or not I had forgotten what had fallen from him; and I found that, by the noble Lord's plan, the men were to be drilled for twenty-eight days in the first year, and fourteen days in the next. By our plan the men are ordinarily to be trained for twenty-one days in every year, and, upon a necessity, for seven weeks; but there is this provision, which greatly mitigates that arrangement, namely, that in case the training may not be necessary, or in case there should be a great demand for labour, then the drill in any year may be reduced to three days. I think that shows that our plan is not quite so severe. Now as to the moral character, energy, and courage of the men. The noble Lord said that the men raised under the present Bill would be individuals of a restless spirit and of a vagabond character; but I should like to know how the noble Lord by his plan would get those men of high courage and moral character of whom he spoke. The noble Lord proposed to cast lots for them; but the lot might fall on the weak as well as the strong, and on the immoral as well as the moral; and I cannot conceive what reason there is for supposing that you would always obtain by the ballot men of high courage and moral character. I do believe that the probability is, that the men who would offer their services according to our plan would be enterprising men, and, if you take proper guarantees that you do not have men who would take the bounty and then cheat you, you would probably obtain a better class of men than those for whom lots are cast. But there has been some mistake upon this part of the measure, which renders it necessary for me to make one observation. It has been said over and over again in this debate, and out of this House, "You are throwing away 5*l.* or 6*l.* on a man who would be a mere restless spirit about the country, and who would be very willing to take your money, but you would have no security that he would appear again when his services were required." Those who make that statement ought to have read and considered our Bill a little more carefully. They will find that the bounty to volunteers is to be subject to regulations and provisions imposed by the Secretary at War; that the names of persons so volunteering, and their places of residence, are to be given to and preserved by the deputy-lieutenants and commanding officers, and by them transmitted to the clerk of the peace for the county; and that the Secretary at War has the power of prescribing the mode in which these bounties are to be paid, whether by prepayments or postpayments—or whether by annual instalments or monthly allowances. That will all be left to the Executive Government, so that the Government may not be imposed upon. I hope I have now dispossessed the minds of any hon. Gentlemen who were going away with the impression that the bounty was to be thrown into the hands of mere mercenaries, who would not be forthcoming when required. But I must add this more. It would be a great reflection on this country to suppose that 80,000 men would come to the Government and accept the bounty of 4*l*., 5*l*., or 6*l*. a man, merely for the purpose of going away with it; and I was suprised to find that argument used most prominently by those who call themselves the exponents of the sentiments and feelings of the popular party. I do not think the men would be such scamps. Nor do I think you believe it yourselves, but you use that argument as you have used many others, merely because you have not a better one against the Bill. I think I have now established the necessity of some such measure as this, and that the other propositions offered to the House are not so good as that which we have suggested, and that ours will be both popular with the country, and effectual for the purpose. And I am not speaking here entirely without authority, for, within a week after this plan was proposed, I received a letter from the adjutant of a militia regiment, saying that seventy men in the county of Suffolk had offered themselves as volunteers; and that no doubt the regiment could be filled up in a fortnight. I have heard the same thing of the midland counties; and I believe that if this Bill is allowed to pass into a law, you will find that, instead of having that oppressive ballot which has been spoken of at public meetings as the object of the Government measure, you need not have recourse to it at all. Even if the number is not filled up in the first year, there is no compulsion by this Bill to resort to the ballot; and, although there is a permissive power to the Queen in Council to direct it, there is little danger that it would be exercised. There is only one other observation I wish to make. It was said by the right hon. Member for Manchester (Mr. M. Gibson) that this is not the time for such a Bill as this. I ask you what you would have said to us if we had not brought forward this Bill, and any misfortune had befallen this country? You had passed a resolution that the laws relating to the local militia should be amended. If we had not brought in this Bill, and war was to be declared in any possible contingency, you would have blamed us, and justly so, for not having made any provision against it, and you would have said that we as Ministers deserved to be impeached. You have no right, therefore, to blame us for bringing in this Bill, or to say that this is not the best time for its introduction. But I will give you another reason why this is the best time for bringing in this measure; and in doing so I must advert to an observation made by the hon. Member for Liverpool (Mr. Cardwell). Sir, I do not agree with him as to the full extent of danger consequent upon the refusal of this Bill. I do not say that because you rejected this Bill you would have to put the Militia Law into operation by means of the ballot, with all its rigours. But, I do say that if an emergency should arise which required you to add to the force of the country, the Government that might be in power, whether the present Government, or the Government of the noble Lord (Lord John Russell), or any other Government, it would be bound to suspend the suspending law relating to the militia, and to put that law at once in force in order to obtain a sufficient number of men to defend the country. Then do not say that this is an oppressive law. It is a mitigated law. The language of mitigation runs throughout it from the first section to the last, and I defy you to find a single severe clause in it. Every clause is a mitigating clause. If that be so, I leave the measure with some degree of confidence to the judgment of the House and of the country. I think I have shown you there is a necessity for some increase of the national defences. I believe I have proved to you that the other modes suggested are not so good, nor near so good, as that we have proposed; and I am confident you will find that if you reject it, the occasion might arise upon which you might have to put your militia law into force with all the rigour and severity of the ballot; but that if you accept it—improve it if you will in Committee—you are mitigating and alleviating the rigours of that law, instead of enforcing them unduly on the people, because, by your legislation, you are proceeding on this principle of voluntary enlistment and voluntary service, and you are not having recourse to forced conscription, which, by some contingency, you might be compelled to adopt.

Sir De Lacy Evans said, he was aware he had no right to reply, but there were some explanations which he would make on other stages of the Bill.

Question put.

The House *divided* :—Ayes 315; Noes 165 :—Majority 150.

List of Ayes.

Adderley, C. B.
Anson, Visct.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagot, hon. W.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, rt. hon. G.
Baring, H. B.
Baring, rt. hon. Sir F.T.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bell, M.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Broadwood, H.
Brocklehurst, J.
Brooke, Lord
Brooke, Sir A. B.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Bulkeley, Sir R. B. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Butler, P. S.
Buxton, Sir E. N.
Cabbell, B. B.
Campbell, hon. W.
Campbell, Sir A. I.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Cayley, E. S.
Chandos, Marq. of
Chaplin, W. J.
Charteris, hon. F.
Chatterton, Col.
Chichester, Lord J. L.
Child, S.
Childers, J. W.
Cholmeley, Sir M.
Christopher, rt. hon. R. A.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Coles, H. B.
Collins, T.
Colvile, C. R.
Conolly, T.
Copeland, Ald.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Cubitt, Ald.
Currie, H.
Davies, D. A. S.
Deedes, W.
Denison, E.
Denison, J. E.
Dick, Q.
Disraeli, rt. hon. B.
Dodd, G.
Douro, Marq. of
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fortescue, C.
Fox, R. M.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Gooch, Sir E. S.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, T.
Grogan, E.
Grosvenor, Lord R.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir G. J.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hogg, Sir J. W.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Hudson, G.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Lacy, H. C.
Langton, W. H. P. G.
Lascelles, hon. E.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord A. G.
Leslie, C. P.
Lewisham, Visct.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Martin, C. W.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Norreys, Sir D. J.
O'Brien, Sir L.
O'Connell, M. J.
O'Ferrall, rt. hon. R. M.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Peel, Sir R.
Peel, Col.
Pennant, hon. Col.
Pinney, W.
Plowden, W. H. C.
Portal, M.
Powlett, Lord W.
Prime, R.
Pugh, D.
Pusey, P.
Reid, Gen.
Repton, G. W. J.
Richards, R.
Rushout, Capt.

Sandars, G.
Sandars, J.
Scott, hon. F.
Seymer, H. K.
Seymour, Lord
Shelburne, Earl of
Sibthorp, Col.
Sidney, Ald.
Slaney, R. A.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Staunton, Sir G. T.
Stevenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sutton, J. H. M.
Talbot, C. R. M.
Taylor, Col.
Tenison, E. K.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, hon. F. J.
Tollemache, J.
Townley, J.
Townley, R. G.
Trollope, rt. hon. Sir J.
Tufnell, rt. hon. H.
Tyler, Sir G.
Tyrell, Sir J. T.

Verner, Sir W.
Verney, Sir H.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vivian, J. H.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wall, C. B.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Whiteside, J.
Whitmore, T. C.
Wigram, L. T.
Williams, T. P.
Willyams, H.
Williamson, Sir H.
Willoughby, Sir H.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wynn, H. W. W.
Wynn, Sir W. W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Bateson, T.
Lennox, Lord H.

List of the NOES.

Abdy, Sir T. N.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Gen.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Bell, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blair, S.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, W. G.
Clay, J.
Clay, Sir W.
Cobden, R.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Cowan, C.
Craig, Sir W. G.

Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Fitzroy, hon. H.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Hall, Sir B.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hayter, rt. hon. W. G.
Headlam, T. E.

Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Horsman, E.
Howard, Lord E.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Locke, J.
Loveden, P.
Lushington, C.
Mackinnon, W. A.
Mangles, R. D.
Marshall, J. G.
Martin, J.
Melgund, Visct.
Milligan, R.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Moncreiff, J.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Murphy, F. S.
Norreys, Lord
Ord, W.
Paget, Lord G.
Pechell, Sir G. B.
Peel, F.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.

Ponsonby, hn. C.F.A.C.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Seymour, H. D.
Shafto, R. D.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smyth, hon. G.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Trevor, hon. T.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Watkins, Col. L.
Wilcox, B. M.
Williams, J.
Williams, W.
Wilson, J.
Wilson, M.
Wood, Sir W. P.

TELLERS.

Rich, H.
Evans, Sir De L.

Main Question put, and *agreed to*:—Bill read 2°, and *committed* for *Monday* next.

COUNTY ELECTIONS.

SIR EDWARD BUXTON moved for leave to bring in a Bill to allow Candidates to give refreshment to Voters at County Elections to a limited amount.

MR. THORNELY thought that a measure of this kind would be most objectionable, and would tend to demoralise the electors.

SIR JOHN TYRELL said, that in his own county of Essex, at the present time, there were actually two lawyers going about canvassing the electors on the strength of this proposition. He was sure that the hon. Baronet who wished to introduce the Bill was in ignorance of this fact, and he would suggest to him to postpone it, at all events until after the next elections.

Mr. ADDERLEY could not see any reason for postponing this measure, which the prospect of an early election rendered all the more necessary. Several Committees of that House had recommended that some such law should be passed; and it was an insult to electors to suppose that their votes would be influenced by the small allowance which it was proposed to grant them under the present Bill.

Mr. AGLIONBY said, he did not hesitate to say that he should give this proposition every opposition in his power, and at every stage. It was said that it was only sought to give reasonable refreshment to voters; but what was reasonable refreshment, and where would they draw the line of distinction?

Mr. CHRISTOPHER said, he must appeal to the House not to condemn the Bill before they saw it, and had an opportunity of discussing its merits. Every one knew that persons in the humbler classes of life could not be expected to come a considerable distance to the poll if they were then placed in a worse position than they would be in if they remained at home. All that the hon. Member for South Essex asked for was, power to grant refreshment to be tendered by the presiding officer at the poll booth to a very limited extent, all other refreshments being considered illegal, and the parties offering them to be liable to penalties.

Sir EDWARD BUXTON begged to state that the object of his Bill was to permit candidates at county elections to grant permission either to the officer who had the arrangement of the elections, or to persons appointed by him, and in his sight to give a ticket for refreshment, not exceeding in amount half-a-crown, with a provision that no voter should under any circumstances receive more than one such ticket. He would not enter into the reasons which might be stated in favour of such a law; but he would state his belief that a provision for such moderate refreshment would tend, not to the increase, but very much to the decrease of bribery at elections.

The MASTER of the ROLLS said, that if the hon. Member for Cockermouth (Mr. Aglionby) divided the House on this question, he should vote along with him, for he strongly objected to any such Bill. His principal objection was this, that refreshment given to voters was not the real and legitimate purpose for which it was done; it was in reality a mode of bribing the publicans and persons who kept beershops, and by doing so you did, in point of fact, obtain by means of corruption the votes of persons attending such shops. He thought that one of the best means of preventing bribery would be to disfranchise every person who kept a public-house or beershop, though he did not mean to say that he would be the one to propose such a law. It was manifest, without entering into further details, that unless the House wished to open a door to that which for a long series of years they had been endeavouring by stringent provisions to put an end to, they would on the present occasion put a final stop to all such proceedings by refusing to entertain this measure.

Viscount GALWAY thought that if this measure passed, it should not be confined to counties, but should also be extended to boroughs.

Sir BENJAMIN HALL said, he must object to proceeding with the discussion of this measure at that late hour of the evening. Suppose this Bill passed into a law, it would, in the case of the West Riding of Yorkshire, where there were 37,000 electors, authorise the expenditure of no less a sum than 4,500*l.* for "reasonable refreshment." He thought that a more monstrous proposition was never brought before Parliament, and he should move the adjournment of the debate.

Mr. CHISHOLM ANSTEY seconded the Motion. If this Bill passed, it would certainly be the herald of a similar measure with respect to boroughs, for he did not see why the convenience (as it was called) of the poor voter should not be as much consulted in boroughs as in counties. It would open the widest door to corruption, for if the issue of as many half-crown refreshment tickets as there were voters were allowed, it would be impossible to prevent their being accumulated by a skilful agent in the hands of that portion of the electors who were corruptible.

Motion made, and Question proposed, "That the Debate be now adjourned."

Sir JOHN PAKINGTON hoped that the hon. Baronet (Sir B. Hall) would not press his Motion for the adjournment of the debate, because the House would be in the same position when the debate was resumed that they were then: that hon. Members would rise and make speeches upon a Bill which they had never seen. This was a subject which had never been very much considered by many Members of the House, who had given their most anxious attention to the suppression of treating; and there was a large body of opinion in the House that nothing would tend so much to put a stop to treating and corruption as a well-regulated measure of this kind. He thought, therefore, that the fairest thing would be to allow the Bill to be introduced and to discuss it afterwards.

Mr. STUART WORTLEY said, that the hon. Baronet the Member for Marylebone (Sir B. Hall) could not have selected a worse illustration in support of his argument than the West Riding of Yorkshire, because on every occurrence of a contested election in that district refreshment tickets had been given by mutual consent. If refreshment was not given when a man was brought thirty, forty, or fifty miles to the poll, it would virtually disfranchise the poor voters, and those who were less willing to come to the poll. He thought that the Bill should be permitted to be introduced.

Mr. MULLINGS said, that in some elections with which he had been connected, he had found that the issue of tickets such as were contemplated by this Bill, had had the effect of reducing the expenditure for refreshments to voters from 1,400*l.* or 1,500*l.* to 125*l.* He believed, therefore, that this Bill would be the means of effecting a saving of expense, instead of leading to bribery and corruption. He thought, also, that it would save the time of electors, and prevent them lounging about in public-houses, as they would probably go home after spending, perhaps, a couple of shillings out ef their half-crown ticket.

Mr. JACOB BELL said, that the question was not whether treating should take place or not, but whether it should take place in a sneaking and underhand, or in an open, legal, and legitimate way. This Bill would enable the candidate to keep in his own hands the control of the expenses which every one knew took place for this purpose; whereas, at present, it was obliged to be left to others, and he then lost all control whatever over it. Whether this Bill passed or not, refreshments would be given; and he thought, therefore, that it was impossible to contend that Members who were opposing its introduction were standing up for purity of election.

Sir BENJAMIN HALL said, he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Main Question put.

The House *divided:*—Ayes 58; Noes 19: Majority 39.

Bill *ordered* to be brought in by Sir Edward Buxton, Mr. Christopher, and Mr. Adderley.

Bill *presented.*

Notice taken that forty Members were not present. House counted, and forty Members not being present, the House was adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, April 27, 1852.

Minutes.] Public Bills. — 1ª London (City) Small Debts Extension; Loan Societies.
2ª Exchequer Bills; Sheep, &c. Contagious Disorders Prevention; Copyright Amendment.
3ª St. Albans Disfranchisement.

ADMIXTURE OF CHICORY WITH COFFEE.

Viscount TORRINGTON presented a petition from dealers and others, of London and Westminster, complaining of the operation of the Treasury Minute of 1840 with respect to the sale of Coffee mixed with Chicory, and praying for redress. His Lordship said, that the parties who had entrusted him with this petition were anxious that he should call the attention of their Lordships to the serious evils which had arisen from that Minute, and to the reasons which existed for its being rescinded, and for a slight alteration being made in the Treasury Minute of 1832 on the same subject. He (Lord Torrington) was aware that the subject had been brought forward last year; but, even with the knowledge of that fact, he hoped their Lordships would favourably entertain the prayer of the memorial which he now submitted. With the permission of their Lordships, he would briefly call attention to the state of the law on this point in 1840. By the 43rd of *Geo.* III., cap. 129, were enacted stringent provisions to prevent chicory mixed with coffee from being sold under the name of coffee, and a penalty of 100*l.* was imposed on any person who should sell burnt corn, &c., as coffee; the 3rd of *Geo.* IV., chap. 53, allowed the substituted article to be sold by coffee dealers under its own name, inflicting a penalty of 50*l.* unless such articles were labelled with their proper description; by the 7 & 8 of *Geo.* IV. chap. 53, prosecutions for admixture were prohibited, unless instituted by the Commissioners of Excise, who were placed under the control of the Lords of the Treasury; Messrs. Kennaway, dealers in coffee, &c., having been prosecuted under these Acts. On the 21st of August, 1832, a Treasury Minute was issued in these words:—

> "Inform the Commissioners of Excise that my Lords are of opinion, that the sale of chicory powder unmixed should not be interfered with; but that the sellers of coffee should be informed that they must abide the consequences, if after a notice of two months they shall continue to sell coffee mixed with any other ingredient contrary to law."

Now, under this state of the law, which continued up to the year 1840, there had been a steady increase in the consumption of Coffee. At that time the Treasury Minute of 1840 was issued, and inflicted great mischief on the growers of coffee. It was in these terms:—

> "Write to the Commissioners of Excise, that my Lords consider that the law was altered with the view of admitting the admixture of chicory with coffee. My Lords, therefore, do not consider that any measures should be enforced to prevent the sale of coffee mixed with chicory, and are of opinion that the prosecution in question should be dropped. My Lords do not consider that such admixture will be a fraud on the revenue so long as chicory pays the proper duty, and as between the seller and consumer my Lords desire that Government should interfere as little as possible."

Now, this last was the Minute of which the petitioners complained, and which they wished to have rescinded, and they wished an alteration made in that of 1832. Coffee, which formerly sold from 100*s.* to 120*s.* per cwt., was now much reduced in price. But in the year 1845 the cultivation of chicory was introduced upon the British soil, and had been much extended since that time. In the year 1847 the general use of chicory had not only checked the progressive increase of the healthy demand for coffee, but had even produced an annual decline in its consumption to the extent of 6,000,000 lb. in 1850, as compared with the year 1840. In the year 1847 the consumption of coffee in this country amounted to 37,441,373 lb. From that period, when home chicory was introduced into the home market, it had fallen regularly until, in the year 1850, the consumption was only 31,226,840 lb. In 1851 the consumption increased by about 1,500,000 lb., and was 32,564,164 lb. He attributed that increase to the equalisation and reduction of duties on foreign and colonial coffee. In looking at the consumption of coffee in this country as compared with other countries, the difference was very striking; and he could only be of opinion that, under these circumstances, there must be something unwholesome in the state of the coffee trade, and he would give their Lordships this proof of it. In the year 1850 the population of the United States was estimated at 23,500,000, and the consumption of coffee amounted to 151,000 lb. In the United Kingdom the population was estimated at 27,500,000, and the consumption of coffee was only 32,000,000lb. The petitioners alleged—

> "That no reasonable cause could be assigned for this rapid and serious diminution in the consumption of coffee, except the notorious substitution of chicory and other substances. Of chicory alone it was estimated by fair and competent parties that about 12,000 tons, or 26,880,000 lb. had been consumed annually in recent years; and assuming that to displace a similar quantity of coffee, it must intercept, according to the present duties, a sum of 336,000*l.* from the service of the State."

All that the petitioners asked, was, not that a duty should be imposed upon chicory, but that chicory and coffee should each be sold separately and alone. The public were unable at present to procure either chicory or coffee as a genuine article. This was at once injurious to the public, and gave an advantage to the unfair over the respectable tradesman. The noble Viscount then proceeded to show that coffee was the only article which presented an exception to the great increase in the consumption of the necessaries of life which had recently developed itself among the great masses of the people. He believed that the interests of the people had been greatly injured by the Treasury Minute which had been issued on this subject, and that the community had been prevented by it from obtaining a genuine article, which was not deleterious to their health, but highly salutary. He had been told that great difficulty would arise from altering the Treasury Minute of 1840. He had been told that 5,000 acres in Great Britain were now cultivated with chicory, and that no less a capital than 1,000,000*l.* sterling was invested in that cultivation. He thought that this latter statement was incorrect, unless 900,000*l.* of that sum were set down for the profits of the investment, and only 100,000*l.* for the cost of the investment itself. He held in his hand a copy of the memorial which had been sent from the planters of Ceylon to the Secretary of State for the Colonies, relative to the adulteration of coffee in Great Britain, and, with the permission of their Lordships, he would read a few paragraphs from it. The noble Viscount then read the following paragraphs:—

> "The loss of revenue to the mother country, under present circumstances, is unquestionable; but with that, perhaps, your memorialists have little to do; the demoralising effect of such a system, by which the Imperial Government sanctions the selling of a spurious article for the true one, making honesty in the retailer almost impossible although evident, is perhaps also beyond their province; your memorialists revert to their legitimate and pressing anxiety for their own just claim, that they and the fruit of their labours may enjoy the protection of the laws. Your memorialists consider that they have already suffered great loss by the depreciation of their produce, caused by the substitution of worthless or unwholesome matter; but they fear that worse awaits them, if this system be permitted to continue. They fear that the industrious classes, who are now the chief consumers of coffee in England, will cease to use it, when they find it undergoing daily deterioration; and, indeed, when they know it is allowed to be adulterated in this manner, it would not be surprising if they ceased to use it. Thus to us would be lost the best part of the English market, and to the English mechanic and labourer, a pleasant, wholesome, and invigorating beverage. But, on the other hand, if the law were set free to exercise its proper function, in protecting the honest trader against fraudulent competition, so that every man might buy coffee or chicory, either or both as he pleased, then your memorialists might hope for better times; they might hope that the consumption of coffee would increase in England with the increase of population, temperance, and prosperity."

He (Viscount Torrington) was well acquainted with the majority of the parties who had forwarded this memorial. He knew their feelings; he knew their difficulties in procuring a market for their produce. He knew the capital which they had embarked in their plantations, and therefore it was that he advocated their cause. Ceylon was one of the largest producers of coffee. Supposing that it had a free market for its coffee, there was no calculating the amount of coffee which it could grow. There was a great extent of land uncultivated in it; labour was cheaper in Ceylon than in any other coffee-growing colony, and cheaper than in the Brazils; but it was necessary that some alteration should be made in the colonial regulations for the sale of sand, in order that the planters might be enabled to carry on their operations.

The DUKE of **MONTROSE** had to present a petition from the inhabitants of Ceylon, on the same subject, which was one worthy of the attention of their Lordships and the Government. The petition he held in his hand was signed by a great many merchants, traders, other inhabitants and natives of Ceylon; and it stated that they found great difficulty in continuing to cultivate the growth of coffee, in which they had invested a large capital, from the reduction in the price of coffee. The late Chancellor of the Exchequer had refused to interfere, because, he said, the revenue had not been affected by the adulteration of coffee. That, he thought, was a wrong principle, as it was the duty of the Government to protect the public: but he begged to say that the statement was incorrect, for the revenue had been gradually decreasing since 1847. He understood that not only was coffee mixed with other ingredients, but chicory itself was largely adulterated; and there being no doubt that the operation of the Treasury Minute of 1840 was injurious to the revenue, he hoped the Government would not object to its being rescinded.

The EARL of **DERBY** said: I am not disposed to underrate the importance of the subject which has just been brought under our notice, either as bearing on the revenue, or on the case of the fair trader, or on the interests of the colonial planters and merchants; or, above all, as bearing on the interests of the poorer classes of the community who are consumers of coffee, and who, as they are the parties least able to protect themselves, are those who have the strongest claims to the favourable consideration of your Lordships. I can by no means accede to the position laid down by the late Chancellor of the Exchequer in another place, in a former Session of Parliament, that the doctrine of *caveat emptor* is applicable to all these cases, and that so long as the revenue does not suffer, it forms no part of the duty of the Government to guard any portion of the public against fraudulent dealers, or against an imposition from which they ought to protect themselves. I do not at all adopt that doctrine. I think on the contrary it is the duty of the Government, with regard to this, as with regard to other articles, to do all that in them lies to protect the public from fraud, while they do not at the same time interfere with the mixture of articles which are not in themselves deleterious, if the public should think fit to use them.

With regard to chicory, I believe there is no allegation on the part of any one that it is an article injurious to health. Many persons contend that it improves the flavour of coffee. Many persons prefer coffee mixed with chicory; and if they do so there can be no reason why they should not drink the untaxed beverage, rather than a taxed one. I have always thought, however, that the Act to which the noble Viscount has referred, the Act of the 43rd *Geo.* III., c. 129, was an Act which went a very long way in the direction which it took; because, as it appears to me, it not only prohibited any fraudulent mixtures, but it prohibited under any circumstances any mixture whatever, and more with a view, I think, to revenue than to any other consideration. It prohibited the avowed use of articles not purporting to be coffee, but mere substitutes for coffee. My noble Friend opposite (the Earl of Ripon), who many years ago held the office of Chancellor of the Exchequer, must recollect that that Act was introduced mainly for the purpose of meeting what was in great vogue at that time—the late Mr. Hunt's roasted corn—which never pretended to be coffee. It was, chiefly, therefore, I believe, with regard to the revenue that the Act was introduced. I think the noble Viscount was hardly quite correct in his statement of the progress of the consumption of chicory, or of the extent to which he referred the diminution in the consumption of coffee to the operation of the Treasury Minute of the year 1840, because from that year to the year 1846 the consumption, so far from diminishing, had a good deal increased. It amounted to 28,700,000 lbs., I think, in the year 1842, and in the following years it increased to 32,000,000 lbs. and 34,000,000 lbs.; in the year 1846 it was 36,700,000 lbs., and in 1847 it was 37,500,000 lbs. After that time it declined to 34,000,000 lbs. and 32,000,000 lbs., and in the year 1850 it was only 31,000,000 lbs. But there was an increase in the year 1851; and according to the latest accounts, it appears that from the 5th of April, 1851, to the 5th of April, 1852, there was a very large increase in the consumption of coffee, which was principally to be attributed, no doubt, to the diminution in the duty last year—a diminution from 6*d.* to 3*d.* on foreign coffee, and from 4*d.* to 3*d.* on colonial coffee. The effect of that reduction of duty has been an increase in the consumption to a very considerable extent, the consumption last year having amounted to 34,500,000 lbs.; and not less than 1,200,000 lbs. of that increase took place in colonial coffee. It is undoubtedly true, however, that with the amount of coffee consumed, there is a large admixture of chicory and of other substances. The noble Viscount stated the admixture of chicory at the enormous amount of 12,000 tons; but from the account I have seen, it would appear that the total amount of chicory consumed in this country is 10,000 tons; and of these about 9,000 tons are used in the adulteration of coffee. But these 9,000 tons are raw produce, and in the processes of kiln-drying, roasting, and grinding, are reduced to about 1,520 tons. I believe that according to the best estimate which can be formed, that is the amount of chicory which is mixed with coffee. The total quantity of the articles mixed with coffee, of which, about two-thirds are composed of chicory, and one-third is composed of other substances, such as beans, roasted corn, some more, some less deleterious—the total quantity of the articles mixed with coffee is about 5,400,000 lbs., or about 22,000 or 24,000 tons; and the loss to the revenue by that adulteration, supposing that coffee to the amount of the other articles employed would be consumed, is about 60,000*l.* a year. But you must not suppose that if that adulteration could be altogether prohibited, the consumption of coffee would rise to a compensating amount. Nor ought you to conclude that you could altogether do away with the adulteration or admixture of chicory with coffee; because chicory, being an article perfectly wholesome, there is no reason why the consumer should not have chicory mixed with his coffee if he should think fit. But the point on which I do certainly concur with the noble Viscount opposite, and with my noble Friend the noble Duke behind me, is, that there is no justification for a state of things which admits of a fraud on the consumer, and of an admixture of coffee with chicory, which enables the dealer to defraud the revenue by the introduction of an inferior material, and at the same time to defraud the consumer by furnishing him with a spurious instead of a genuine article, and charging him, nevertheless, the price at which he might purchase, at all events, an inferior sample of the genuine article. I am told that the process of adulteration has gone on to so great an extent that you are not secure against it even by that means which might be generally considered to afford a perfect security—namely, buying the coffee in the bean; for there are actually imitations of the coffee bean, so that although you may buy the bean, you may grind for yourself spurious coffee with the most perfect confidence of its being a genuine article. But this security, such as it is, is a security which is confined to the classes which purchase in large quantities, and are in more easy circumstances. The poor man who buys his pound, or half pound, or quarter pound of coffee, must buy it ground, and must be at the mercy of the retail dealers as to the article which he purchases. I think this is a question which deserves the consideration of the Treasury; and I do not pretend to justify the Minute of the year 1840. It never appeared to me to be capable of being justified; because, for an object not I think in itself very desirable, it undertook to set aside the special and stringent provisions of an Act of Parliament. The introduction of that Minute was not in itself certainly a violation of the law, but it was a great stretch of the powers of those to whom the execution of the law was entrusted; and I think the subject is one worthy of the consideration of the Government. From what I can learn, I am not sure that the mere rescinding of the Treasury Minute of the year 1840 would not go somewhat further than your Lordships or the country would desire; because the law superseded or suspended by that Minute went the length of saying that no person being a dealer in coffee, or other articles which are specified, should have on his premises any article capable of being mixed up with coffee; and if he were to have any such article, even for the purpose of a legitimate mixture, he would be subject to a very heavy penalty. Now I cannot help thinking that a medium course might be adopted in this case, and that some check might be put on the unfair mixture of chicory with coffee, without interfering with that mixture which might be desired by the purchaser, and might be perfectly legitimate, although it might undoubtedly have a tendency to diminish the revenue. That to which I think the attention of Parliament and of the Government ought to be directed, is not the *bonâ fide* admixture or sale of avowedly mixed articles, but the fraudulent admixture of spurious articles, thereby doing an injustice to the fair trader, imposing on the defenceless purchaser, and practising a fraud on the community at large. Entertaining these opinions, I am quite ready to say that although there may be difficulties in the actual rescinding of this Treasury Minute, yet I do think it is a subject which calls for the attention of the Government; and their attention will be given to the best mode of restoring a due supervision in the case, not for the purpose of preventing that which may be permitted—namely, the admixture of a harmless material with coffee, but for the purpose of supporting a law which was intended to prevent the fraudulent admixture of a spurious and deleterious article with coffee, and thereby protecting the humbler classes of consumers, and I hope affording some advantage to the fair dealer, and also to the colonial producers from whom these petitions have proceeded.

Petitions ordered to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 27, 1852.

MINUTES.] PUBLIC BILLS.—1° Ports and Harbours.
3° London (City) Small Debts Extension.

COUNTY FRANCHISE.

MR. LOCKE KING begged to move for leave to bring in a Bill to enlarge the Franchise in the Counties in England and Wales, and to limit the time of taking the poll to one day. The Bill which he now asked leave to introduce was the same as that which he obtained leave to bring in last year, with an addition respecting polling places and the duration of elections, it having been thought desirable that the opinion of the House should be expressed on the question of limiting the polling in counties to one day, and shortening the proceedings at county elections generally to the same standard as in boroughs. When this Bill had been brought forward in the previous year, many hon. Members voted against it, not because they objected to the principle, but solely because the noble Lord then at the head of the Government promised to introduce a measure of reform early in the present Session. The noble Lord had performed his promise by introducing the Bill; but in consequence of his retirement from office, there was now no measure before the

House; and he (Mr. L. King) very much rejoiced to add, that there were now no promises to fetter any hon. Member. He must express his regret that the noble Lord had made a promise; he regretted also that the noble Lord had introduced his plan, because he could not help thinking that the Bill, as introduced, differed very much from what the noble Lord originally contemplated when he made the promise, and what his own unfettered judgment would have dictated. He regretted this the more, because the noble Lord had, by his sudden resignation, and letting in hon. Gentlemen opposite, risked, as it were, the prosperity of the nation, divided and weakened the liberal party, and let into power those men of whose policy he had always seemed afraid. Reform had been postponed last year on the plea that certain financial measures and Chancery reform required more immediate attention. After all, they had had no financial measure, save the repeal of the obnoxious Window Tax, which was forced on an unwilling Government; and it had been left to a Tory Lord Chancellor to do, in the way of Chancery reform, what a succession of Whig Chancellors had evaded or neglected. The principle of the present Bill had been often discussed in that House, and no one had ever attempted to assail the character of the classes whom it would enfranchise; but the noble Lord the Member for London—its chief opponent—seemed to say it would be very desirable to keep up the ancient distinction between voting from freeholds and other tenures in the counties and boroughs in any extension of the franchise that might be contemplated. Now, he (Mr. L. King) did not see how any extension of the franchise could be contemplated in counties without extending it to occupiers of houses. The 40*s.* freehold might, perhaps, be reduced to 20*s.*, but he did not think that would be a very desirable result. He was glad to find, however, that when the noble Lord came to deal practically with the question, he did not resist the principle of extending the franchise to occupiers. It was true that the noble Lord did not go so far as the 10*l.* franchise, but proposed 20*l.*, no doubt, however, with a view of conceding the entire proportion at a future day. The right hon. Gentleman the Chancellor of the Exchequer on a former occasion seemed to take credit to himself that the plan of giving votes to occupiers in counties had originated with this party. The right hon. Gentleman did not appear opposed to the principle, but, somehow or other, he had voted against it. It was only the other day the right hon. Gentleman had said that he did not consider the extension of the franchise as synonymous with democratic power, but complained that the territorial interest was inadequately represented. Taking the West Riding of Yorkshire as an example, he said, with perfect truth, that the towns containing a population of 500,000 were represented by sixteen Members, while the county with a population of 800,000 was represented by only two members. But the right hon. Gentleman had counted all these as rural population, and the point had never been answered in that House, but had been effectually done by a friend of his (Mr. L. King's), who was at that moment canvassing the city of York. Mr. Pashley, in one of his late speeches, said—

> "Now, I am exceedingly well acquainted with the West Riding of Yorkshire, and I have no doubt that many of you know it well also. Let us, then, look at what Mr. Disraeli says: 'The population of the West Riding is 1,300,000. The boroughs represented in Parliament contain a population of 500,000, and the rural population of 800,000.' Now, what is the meaning of that? How much of the West Riding is really rural? Take a glance of the country from Leeds to Bradford, and what do you see? Stacks, certainly; stacks, not of wheat, but of chimneys; you see a manufacturing population right and left. Between the towns of Leeds and Bradford there is scarcely a blade of wheat to be seen. Let us proceed from Bradford to Skipton, and thence back to Leeds by a triangular route, and we come to several places of great population, all of them seats of manufacturing industry. Again, proceeding along the valley of the Calder, we come to Wakefield, where Mr. Sandars, the protectionist Member, has struck his flag, and is now coming out a free-trader. Leaving Wakefield and proceeding up the valley of the Calder, we come to Dewsbury, with its immense population, all engaged in manufacturing pursuits. Thence we go in another direction to Barnsley—Black Barnsley, as it is called—the seat of the linen trade, a town containing a great population and no representation. Throughout the whole of the West Riding you have essentially, in fact, a manufacturing interest and a manufacturing population."

Speaking of the agricultural counties, Mr. Pashley said—

> "I take ten counties, each of them agricultural. I add up the population and obtain the total inhabitants. I then take the total number of Members, and by dividing the population by the Members, I see how many persons there are for each Member of Parliament. In this way I get a fair view of the state of the agricultural representation. The counties that I have taken are Bedford, Berks, Bucks, Dorset, Essex, Norfolk, Suffolk, Sussex, and Wilts. Those counties contain 2,514,603 in-

> habitants; they have 108 Members of Parliament, or 23,283 souls for each Member. Now, let us take a commercial and manufacturing district. Let us take it honestly, with every desire to obtain information. Let us take the whole counties of Lancaster, Stafford, and the West Riding of Yorkshire. I take them as fully and fairly representing the manufacturing interests of England ; and to prevent the possibility of unfairness, I will add the great commercial county of Middlesex with its immense population, and its intelligence and great fitness to be represented in Parliament. In those four counties we get 75 Members of Parliament as against 108 Members in the ten agricultural counties. The population of those four counties is 5,930,091, which gives an average number of 79,067 souls for each Member of Parliament."

But it was not a question of the proportion of Members to population, it was a question of the proportion of electors to population; and he could show, as he had already done last year, that while, only a few years ago, one out of eighteen had votes in the counties and also in the boroughs, now only one in twenty-three have votes in the counties; while in the boroughs, population and electors have moved *in pari passu.* He could not see how the Government could oppose this very reasonable proposition, when they recollected that it was only an extension of the principle which they themselves had introduced, merely making it more fair and equitable. Still less could he see how they could oppose it, seeing that only a few days since they had seemed inclined to introduce a new species of franchise, and to make an unpopular measure popular, by proposing to give a vote to any man who should consent to carry a musket for a certain time. Having proposed the extension of the franchise to such men, how could they, with any shadow of justice, withhold it from the householder? To continue matters in their present state would be to proclaim to the world that that House was afraid of the masses congregated in towns, and refused to give their just rights to other classes, because they were not afraid of them. He might also use the argument that while popular intelligence had advanced, and science and skill had increased, employment had introduced agricultural improvement, pauperism had greatly decreased; and yet, in spite of it all, the number of electors in the counties had very considerably diminished. He knew that some, for the want of an argument, went back and said that the franchise was not on this footing formerly; but he would say, that the principle was established at the time of passing the Reform Bill, and, without denying that the people of this country were the best governed people on the earth, that principle ought to be carried out. John Locke, after describing how constantly the things of this world changed —that people, riches, trades, power, change their stations, and mighty cities come to ruin, and prove in time desolate corners, whilst other unfrequented places grow into populous cities, filled with wealth and inhabitants, says—

> "But things not always changing equally, and private interest often keeping up customs and privileges when the reasons of them ceased, it often comes to pass in governments, where part of the legislature consists of representatives chosen by the people, that in time this representation becomes very unequal and disproportionate to the reasons it was at first established upon. It is not a change from the present state, which perhaps corruption or decay has introduced, that makes an inroad upon the government, but the tendency of it to injure or oppress the people, and to set up one part or party with a distinction from and an unequal subjection of the rest."

But our representation had been after all fixed on a much more democratic basis formerly than at present. He would call the attention of the admirers of antiquity to the fact that besides the barons, who represented themselves, freeholders, ecclesiastics, and burgesses in towns, were the only people who could act as citizens ; besides these, there were only to be found servile dependence and an ignorance almost brutal. But now things were sadly altered. As M. Guizot had said—

> "Maintenant le principe a disparu ; il y a des Bourgs sans importance et dont les habitans n'ont ni fortune ni indépendance ; la capacité n'est plus là, et pourtant le droit y est resté. On disait que le nom du Bourg, sa position materielle, ses murailles sont les signes d'une capacité electorale qui doit y resider à jamais, un privelege appartient à des pierres."

He sincerely hoped that these unjust distinctions would disappear. He trusted that those large and influential classes whose cause he advocated would be enfranchised, and would not be refused their just rights because they lived in better houses than the inhabitants of boroughs. He hoped the day was not far distant when great principles would be consistently carried out, and when there would be an end of that sort of political expediency which is founded in feebleness and supported by injustice.

Motion made, and Question put—

> "That leave be given to bring in a Bill to make the Franchise and Procedure at Elections in the Counties of England and Wales the same as in the Boroughs, by giving the right of voting to all

occupiers of tenements of the annual value of ten pounds; by limiting the time of taking the Poll to one day; and by limiting the time of proceeding to Election to eight days."

Mr. CAMPBELL said, he must deprecate the introduction of this Bill, for the state of public business and the temper of the House were alike unfavourable to it. That such a measure would occasion prolonged discussions, and give rise to a determined struggle in that House, no one whose opinion on such a subject was of any value, would be disposed to question. Would there be no discussion on the second reading? Would not arguments be used in the Committee? And if read a third time, even without a struggle in that House, would it meet a ready acquiescence in the other House of Parliament? He would record his vote against the Motion, not only because it was ill-timed, but because he could not approve of the principle of such a measure as that proposed by his hon. Friend the Member for East Surrey. He (Mr. Campbell) could have no hesitation in basing his opposition to such a Bill on the arguments which had been so effectively adduced against it, from time to time, by the noble Lord the Member for London. However great might be the variations of opinion which might be attributed to his noble Friend on other topics, his consistency on this question was beyond impeachment, for on no occasion that the Motion had been submitted to the consideration of the House had his noble Friend ever abstained from voting against it. When the question was first mooted by the hon. Member for East Surrey, on the 9th July, 1850, the noble Lord (Lord John Russell) did not, owing to the lateness of the Session, dilate at any great length upon the merits of the Bill; but he sedulously refrained from uttering one word in approval of it. And when the subject was again introduced by the same hon. Gentleman, on the 20th February, 1851, the noble Lord again called upon the House to reject it, and entered into a long and elaborate explanation of the reasons which induced him to believe that a franchise founded upon tenure ought not to be abolished, and that the assimilation of the franchise in boroughs and counties could not be regarded as an improvement in our electoral system. Nor was there any alteration in the views of the noble Lord when the Bill came on for second reading, on the 2nd April, 1851; for on that occasion also he expressed his strong aversion to the measure, explained the objections to which it was liable, met it himself with a clear and unhesitating negative, and succeeded in inducing the House to reject it by a majority of 216. He (Mr. Campbell) was content to rest his opposition to the Motion on the cases that had been often made out against it by his noble Friend the Member for London; but if he might venture without impropriety to add a single argument to those which had been urged so conclusively and so powerfully, on former occasions, by the noble Lord, he would find that additional argument in the certain fact that the assimilation of the franchise in counties and boroughs would inevitably lead to the increase of bribery. He was ready to prove, on tabular statistics, that no great desire of the franchise existed in the class to which the hon. Gentleman proposed to transfer it. A comparison had been made by the organ of the Whig party between the number of registered electors and the number which had voted in different towns during the general election of 1847, which went to illustrate the principle. He thought it no unimportant consideration that the number of electors who polled in towns—where the 10*l.* constituency existed—were far less than the number of electors registered. Thus he would state the relative numbers in a few instances at late elections:—

	Electors registered.	Polled.
In Aberdeen	4,150	1,348
In Aylesbury	1,405	646
In Cardigan	650	590
In Cheltenham	2,278	1,820
In Chester	2,529	1,630

He would take his stand on what appeared to him the valid argument against the Motion of the hon. Gentleman the Member for East Surrey. Its tendency would naturally be to extend venality to counties. The 10*l.* franchise had been shown, by a long course of years, to be no security against this evil. In spite of its advantages and merits, the men it had returned, the measures which had flowed from it, it did not guarantee a pure and incorruptible electorate. A certain purity had hitherto existed in the counties, which it was not, upon the whole, expedient to subvert. It might be said, indeed, that the founders of the great Reform Act had been guilty of encouraging venality by bringing about a 10*l.* franchise in the boroughs. They could easily avoid the charge. Even if their prescience had enabled them to calculate the measure of corruption, their object would vindicate their act. Their object was to give power to the middle classes; and if it was impossible to effect this end without a mixture of venality, the advantage of the end outweighed the evil of the drawback. In proposing to invade the counties with corruption, the hon. Member for East Surrey could not point to any good which would arise from it. The most conclusive argument against the proposition, in his opinion, was, that no measure to amend the Act of 1832 ought to be discussed unless it was preceded by deliberate inquiry, and backed by adequate materials, which some parts of our machinery were well adapted to reach. Had inquiry of this kind preceded legislation, the noble Lord the Member for the City of London would not have introduced a scheme which neither satisfied the party it professed to serve, nor the public it aspired to conciliate.

After a pause of some duration,

Mr. HUME rose and said, that the ominous silence which prevailed on both sides of the House really surprised him. When he proposed a Motion which comprised two or three branches of reform, Gentlemen said that they were too many to bring forward at once, and that one should be introduced. Now, one subject was brought forward, and no hon. Member seemed to care to speak upon it. This was trifling with the people, who were kept like slaves instead of freemen. On what ground were the occupiers of 10*l.* houses in counties refused the franchise? They would have it if they resided in boroughs, and he could not see the consistency or justice of such an exclusion. He might not see the day, but there were some Members of that House who would see it, when Governments would see the policy of doing justice to all classes of the community, and not wait till it was wrung from them. He did not know if the Motion was to be favoured with the vote of the noble Lord the Member for London, but he had expressed an opinion favourable to a 10*l.* franchise. He (Mr. Hume) could not see a safer course to pursue than this, and he really could not conceive why an objection should be made to it, unless they were determined to keep out those who were knocking at the door of the Constitution, and anxious to get in. He hoped that in England, Scotland, and Ireland, the Constituencies would return at the ensuing election men who were determined to support them in obtaining their just rights. Representatives should be able to state to the House what were the opinions and feelings of their constituents on particular subjects; and without extension of the suffrage this could not be. Analyse the division of last night, and it would be found that not one of the large towns—excepting Liverpool, to its disgrace—supported the measure of the Government Militia Bill. Where the people had a voice, and the constituency was large, not one Member would be found voting for that unnecessary measure. He thought that the Government should express their opinion on this Motion, "Aye" or "No." He would not quarrel with them if they said "Nay;" but let them declare what they meant, and not shroud themselves in secrecy, as if they were afraid to state their opinion. He hoped the right hon. Gentleman the Secretary for the Home Department would come forward and express, on the part of the Government, what they meant to do; for the right hon. Gentleman had been a volunteer on the part of the Government for the extension of the suffrage. He was told that proposition was an "after-dinner joke;" and he really thought that no one of any common sense would have seriously proposed it. Let the Government state if they were determined to oppose all reform, or if they were inclined to grant any portion of it, let them say so. He hoped they would be favoured with the opinions of Gentlemen on both sides of the House on this important question.

Lord JOHN MANNERS said, the House would excuse him if, after the appeal that had been made, he rose to express in a few sentences the view which Her Majesty's Government took of the Motion of the hon. Member for East Surrey (Mr. L. King). The hon. Member for Montrose (Mr. Hume) had asked them to say aye or no to the present proposition, and they assuredly felt no difficulty whatever in saying no. He owned that he should think that to Gentlemen who, like the hon. Member, had been for several weeks calling out for an immediate dissolution of Parliament, the proposal of an unnecessary Motion like the present must seem a useless impertinence and absurdity. A Bill of this nature, effecting a perfect revolution in the county constituencies, would occupy in its discussion a period which he was afraid would not be acceptable to the hon. Gentleman (Mr. L. King) himself. It was evident that any proposal for changing the county constituencies offered two alternatives. The hon. Member proposed to assimilate the county franchise to that of the boroughs in one way by letting the standard down; but it must be obvious that the assimilation could be brought about in another way—by raising the standard. Not that he was prepared to take that course, because he believed there was at present a fair representation of the boroughs of England, as well as of the counties. He believed that the existing system was intended to give to the owners of property and the shopkeepers in the boroughs the power of returning men who should fairly represent their sentiments in that House. On the other hand, it was quite fair, and the more because the borough Members formed an actual majority of the House, that the owners and occupiers of the soil should have the same facility of electing men who would fairly represent their interests. The county Members numbered 144; the borough Members comprised the remainder, and consequently were much more numerous. Well, then, he said the intention of the Reform Bill had been in the main carried out. The counties were represented by men in whom the owners and occupiers of the soil had confidence; and he hoped that Gentlemen sitting opposite, who filled so many borough seats, were not prepared to say that the borough representation was unworthy of its objects, or reflected discredit on the authors of the Reform Bill. No subject had led to more controversy in that House, or called forth so many charges of corruption and intimidation, by which the Government was continually assailed; but he thought it would not be denied that to find a pure constituency they must look to the counties. Against what class of the constituent body of the country did they find it necessary to direct measures for putting down the bribery and corruption practised at elections? Against that class, precisely, which it was now proposed to extend to the counties of England. Even if it were admitted, therefore, that a geometrical assimilation between the county and borough franchise was essential to the working of the Constitution, he did not think that any case had been made out for proceeding in the direction of lowering the standard of qualification. Government would be false to the promises given to wind up the business of Session as soon as possible, if they were to agree to this Motion. He should therefore, in their name, give it his most strenuous opposition.

Lord ROBERT GROSVENOR said, that had he been consulted, he should not have recommended the bringing forward of this Motion at the present time, and he regretted that the hon. Member for East Surrey (Mr. L. King) had joined with his Motion for the extension of the county franchise, a measure of so eminently practical a character as that contained in the latter part of his Motion for shortening the duration of the poll at county elections, and for limiting the time between the proclamation of the writ and the election to eight days. He thought the Government might consent to the introduction of the Bill, for the purpose of striking out the provisions relating to the former, and carrying into effect those relating to the latter part of the Motion. He deemed this limitation the more necessary, because he found, to his great astonishment, that on the previous evening the House had consented to the introduction of a measure according to which county Members were in future to pay half-a-crown to every voter for refreshment before they could receive his vote. If county Members were to be mulcted to that extent, he hoped the House would agree to render the elections a little less costly than they were at present, by shortening their duration, in the manner proposed by the hon. Member for East Surrey. He believed that all the corruption in counties took place on the second day of the poll, and he therefore hoped that even if the House would not assent to the assimilation of the county and borough franchise, they would allow the introduction of the Bill, for the purpose of preserving that portion of it which related to the duration of elections, and which was demanded by the country at large. He should vote for it upon that ground; not pledging himself hereafter with respect to that measure of reform to which he was glad to see that his noble Friend the Member for Colchester (Lord J. Manners) was not so wholly adverse as he and other Members of the Government had appeared from their election speeches. He was glad to see that there was on both sides of the House a general concurrence of opinion in favour of some well-considered measure of reform, as he believed his noble Friend (Lord J. Russell) called it. For his own part, he hoped that the small boroughs would be put an end to, and that some equalisation of the constituencies might take place. The necessity for a Reform in Parliament was clearly shown by the declaration of the noble Lord at the head of the Government, which evidently amounted to an admission that that House might not represent public opinion. For the noble

Lord did not say that he was prepared to restore protection if he had a majority, but if he had a decided majority in that House —that was, if he had a majority returned by those constituencies which represented public opinion.

Mr. HENRY DRUMMOND said, he had been for twenty years striving to get an extension of the county franchise, and he could not let an opportunity pass without in some way attempting to carry forward that extension. He admitted that the noble Lord the Member for Colchester (Lord J. Manners) had given a valid reason why he objected to the introduction of the measure this Session; but unfortunately that reason came too late, inasmuch as the House had not merely consented to the Bill referred to by the noble Lord the Member for Middlesex (Lord R. Grosvenor), but had given its assent, without debate, to a Motion which would fill that House with absolute paupers. ["No, no!"] Yes, yes, yes. A Bill had been introduced to take away every particle of qualification for Members of that House. Having admitted this Bill, how could the Government turn round and say it was too late to extend the franchise of the counties? It was excessively mortifying to be obliged to admit that nobody had listened to remarks which had been made upon this question. On a former occasion he had gone into the origin of voting, and had shown that it had its origin in service to the Crown; and he had then contended that in the olden time the lowest person who owed service to the Sovereign was the 40*s.* freeholder, and that also was the lowest description of the franchise. Now, upon that principle, he contended that every man who served the Crown, as soon as he was discharged, had a right to the franchise. [*Laughter.*] Yes; he knew the assertion was sneered at. ["No!"] Yes; and a sneer had been thrown out that night at the idea of the franchise being obtained by service in the militia; and by whom was the sneer raised? By the advocates of universal suffrage. [Mr. Hume: No, no!] Yes; you have always sneered at it. The fact was, they had never thought what universal suffrage was. These popular Members heard vague ideas, and received some sort of instructions at their great meetings, and they came to that House repeating the vague ideas of others, but knowing little or nothing about it themselves. It was, however, perfectly useless, no doubt, to discuss this measure in the present Session, and he was sorry his hon. Friend (Mr. L. King) had brought it forward; but he would take leave, in no unfriendly spirit, to tell his Friends on the Ministerial benches that it would not do for the Earl of Derby's Government to pooh-pooh this question in the vein formerly taken by the Duke of Wellington's Government. We could, if we liked, bring to light certain scenes at Brookes's, which, however, we will not. But Her Majesty's Ministers by that course will be doing nothing else than this: they will leave a legacy to the noble Lord the Member for the City of London, by the working of which he will at any moment be able to turn them out, not only of their places as a Government, but out of the House altogether.

Mr. BRIGHT said, that he wished to protest against the observations of the noble Lord the Member for Colchester (Lord J. Manners), that by bringing forward measures of that kind, Members were obstructing the progress of public business, and delaying the wished-for dissolution. Had that Motion, however, not been brought forward, Government business could not have gone forward that night, for there was no Government business on the notice papers. An offer was, some weeks ago, made to the right hon. Gentleman the Chancellor of the Exchequer, that if he chose he might have the Thursdays in each week for the transaction of public business, and he believed the feeling in the House was so strong that he might have had every day in the week if the Government had shown any disposition to facilitate the transaction of public business. The noble Lord the Member for Colchester addressed the House as if he felt that this subject was so hackneyed that he was almost disgusted in having to approach it. The fact was, that he (Mr. Bright) believed every great question that had been carried in that House had been deemed hackneyed by hon. Gentlemen opposite before it was carried. But, notwithstanding that, there was a large body of opinion, both in that House and out of doors, in favour of the Motion now before them; and he had, therefore, no doubt that some advantage would arise from that debate. The proposition was, that the county franchise, instead of being confined to a very restricted class, should be extended to all those who occupied land or houses, or both, of the value of 10*l.* per annum. Now he believed that hon. Gentlemen opposite would admit that upon the great question of protection or free trade, which was now under discussion in the country, the constituencies of the boroughs were unanimously in favour of free trade. He was quite ready to admit that the same unanimity did not prevail in the county constituencies; though the principles of free trade had been making their way even with the restricted constituencies of landowners and tenant-farmers. If the constituencies of the counties included population to the same extent as the borough constituencies, there could be no doubt that free-trade principles would be as generally accepted in the counties as in the boroughs; and there would not be the apparent discrepancy which had existed for several years past between the Members returned by the former and the latter class of constituencies. The right hon. Chancellor of the Exchequer, in a very ingenious but most fallacious speech, which he addressed to the House a few nights previously upon the question of Parliamentary Reform, had referred to the West Riding as having a rural population of 800,000. It had, however, a constituency of only 32,000 persons; and he would ask hon. Gentlemen opposite, who were in favour of county constituencies — that great safeguard to the Constitution—that safe representation—whether they were content that 800,000 persons of the rural population should only have a constituency of 32,000 persons? It was impossible that such a system could last, be justified, or give satisfaction to the country; or that our Government, or our constitution, or our institutions, or anything that we valued or thought worth preserving, could be more safe under a franchise like that than under a franchise much more widely extended. The noble Lord the Member for London (Lord J. Russell), in that remarkable and curious Reform Bill with which he favoured the House before he went out of office, made a desperate plunge with respect to the county franchise, coming down from a *50l.* to a *20l.* franchise; and he believed that hon. Gentlemen opposite did not object to the adoption of the *20l.* franchise. But, looking at the country villages and rural population of England, he asked them, whether it would not be perfectly safe and judicious to give the franchise to every occupier of *10l.*? There could be no doubt that the more of this class we could bring within the franchise, the more self-respect would be given to them, the more interest they would take in public questions; and the more they were stimulated to inquire into and comprehend public affairs, the more firm would be the basis on which that House stood, and the greater authority would its resolutions necessarily have with the people. In the discussion of the previous evening, the Members representing the large constituencies had voted against the Government, and no doubt they would do so in increasing numbers at every succeeding stage of the Militia Bill. The country Gentlemen, on the other hand, almost unanimously supported the Bill. They were the parties who were always alarmed. One time the cause was French principles; another, French corn; at another French men; and no one could tell what would be the cause of panic five or six years hence. Let the country Gentlemen, however, recollect that, in supporting increased armaments and an increased expenditure, they were supporting a course of policy which the people of this country did not recognise to be for their advantage, and which they would some day or other take the opportunity of telling the House that they did not. Now he wished to know, not whether the landowners and tenants-at-will, but the occupiers of *10l.* and upwards in the counties, agreed in the policy that hon. Gentlemen opposite were pursuing. Although he thought it wrong, and might regret it, he should never call it in question so long as he believed that it was sanctioned by the opinions prevalent amongst and adopted by the constituencies of the country. This proposition was the safest, the one most in accordance with constitutional principles (if that word had any meaning), and with the principles of the Reform Bill, that could be brought forward; and although he admitted that it was in vain to expect to carry it into law at the present period of the Session, that was no reason why it should not be discussed, nor why hon. Gentlemen opposite should not vote for it. If the Motion were carried that night, the question would be in a more favourable state for discussion in the new Parliament. He believed that when hon. Gentlemen met their constituents at the hustings, they would find almost all classes in its favour. He believed that it was one of the best and most necessary steps that could be taken in that progress towards reform in which the country was resolved that that House should go, however unwilling many of its Members might be.

Mr. PACKE said, he should vote against the Motion, but should not have risen to address the House had it not been for what had fallen from the noble Lord the Member for Middlesex (Lord R. Grosvenor), with respect to that part of it which related to the shortening of the duration of county elections. Although the limitation of the poll in boroughs to one day had been attended with great advantage, he thought that the effect of adopting a similar measure in counties would be to disfranchise a large portion of the constituency, who, it must be recollected, resided in all parts of the country, and who might not in that case be able to attend to give their votes if only a single day was allowed for taking them.

Mr. WAKLEY said, that although it might be uncommonly convenient for hon. Gentlemen opposite to appeal to the electors at the coming elections upon the single point of "confidence in Lord Derby," and to merge all other questions into that, he thought it was the duty of the Opposition to bring forward as many subjects as possible, in order that the electors might know what really were the opinions of the candidates. He did not think, therefore, that the Motion had been brought before the House at an improper time. He quite agreed with the noble Lord the Member for Middlesex (Lord R. Grosvenor), that the poll at county elections should terminate in one day, for every one conversant with the facts knew that the bribery, corruption, and intimidation took place at the end of the first day's polling—that they were continued during the ensuing night, and that the electors were driven to the poll in a state of intoxication on the subsequent morning. The noble Lord the Member for Colchester (Lord J. Manners) said, that if they wished to find purity of election, they must go to the counties. Why, then, if the electors were such honest men, did they refuse them the protection of the ballot? The Bill, for the introduction of which the House gave leave on the previous evening, was one for the encouragement of treating and bribery, and yet, notwithstanding the expense it would entail on candidates, it was supported by the country party, who were suffering so much from free trade. A Militia Bill had been introduced too, and the people were to have muskets if not votes. He trusted, however, that the people would feel that if they were not allowed to vote, muskets should not be placed in their hands by a forcible ballot; and he thought that both the feeling and the intelligence of the country were misunderstood and underrated by the Government if they believed the people would be forced to carry arms in defence of a Government that would not allow them the rights and privileges of freemen.

Mr. BUCK said, he should oppose the Motion. In the county which he represented (North Devonshire), there were 4,000 freeholders; but he found from inquiries he had made, that if this Motion were carried into effect, they would be overbalanced by the 10*l.* householders and the occupiers of small farms.

Colonel SIBTHORP said, he was as anxious as anybody to extend the elective franchise as far as he could. He would give the vote to the 5*l.* householders in many cities and towns. If a man occupied a 5*l.* house in the city of Lincoln, he should consider him far better qualified for a vote than if he had a 10*l.* house in a more populous town. But, speaking generally, he was opposed to the present Motion, because he thought it would have the effect of swamping the constituencies of many important counties.

Lord JOHN RUSSELL: Sir, I certainly cannot vote against the proposition before the House on the ground stated by the noble Lord the Member for Colchester (Lord J. Manners); because, if the Government were to say that on any particular Tuesday they wished to supersede private Motions in order to promote the business of the Government, and thus accelerate a dissolution, I do not believe that any Member would insist upon bringing forward his Motion upon that Tuesday. But as the Government not only do not ask for the Tuesdays, but seem reluctantly to accept the Thursdays, I do not see that there is any objection to discussing Motions of an important public nature upon the Tuesdays. Then, with respect to the nature of the question itself. I must say it appears to me to be a fair matter for consideration with the House what should be the amount of the occupation franchise that should be allowed in the counties. The Reform Act contains a Clause which was introduced by the Marquess of Chandos, but which was, perhaps, originally suggested by the hon. and gallant Gentleman the Member for Lincoln (Col. Sibthorp), and by which an occupation franchise of 50*l.* was given to the counties. Subsequently we proposed that in Ireland there should be an 8*l.* franchise. That proposition, however, was afterwards objected to by the other House of Parliament, and it was ultimately agreed that 12*l.* should be the sum, and accordingly, that is now the law in Ireland. In the Bill which I submitted to the House in the present year, I proposed to reduce the 50*l.* franchise to 20*l.* in the English counties; so that it seems to me not merely according to the proposals of different Members, but according to the measures sanctioned by Parliament, that we may very fairly discuss the reduction of the occupation franchise in the counties of England. But I own it appears to me that if measures of this kind are to be proposed with the view of dealing with the franchise for the counties, they cannot well be considered separately, and that, considering how important is the question of framing the representation of the country, how important is the attempt to make any change in the suffrage which at present exists, it is far better that when Parliament does consider the subject they should consider it as a whole—not altering from time to time the franchise of the counties in one Bill, and the franchise of the boroughs in another. Upon this subject I cannot say that I differ very much from what I saw had been stated as the opinion of the hon. and learned Gentleman the Solicitor General, whom I see opposite. I understood the hon. and learned Gentleman to have said he thought it of the utmost importance that the commercial policy of the country should be settled, and that we should not proceed to discuss measures with regard to the reform of the representation until that question had received a settlement. I entirely differ from him, however, in the statement which he made that this country, is now being ruined owing to what are called the measures of free trade. I differ also from the noble Lord the Member for Colchester, and from the right hon. Secretary of the Colonies, in thinking that the Colonies are being ruined, as well as from the hon. Gentleman the Member for Scarborough (Mr. G. F. Young), in believing that the shipping is in a state of utter prostration from the same cause. I believe, on the contrary, that when this question comes to be considered in the new Parliament, the House of Commons, with the approbation of the country, will declare that the free-trade measures generally, collectively and individually, are calculated to promote the prosperity of the country; and that it is the duty of Parliament to maintain and extend those measures. But, as I said before, I do think it is desirable that that great question should receive a solution before we proceed to the serious consideration of the question with respect to the reform of the representation. I was glad to hear the noble Lord the Member for Colchester say, as I understood him, that the present Government would be ready to concur in any well-considered measure for the reform of the representation. I hope I was not mistaken when I understood him to declare that he thought it a question which was very fairly open to the consideration of this or any other Parliament. And when we have settled these great questions of our commercial policy, which it is so desirable should be settled some way or other, I trust he will agree with me in the view I shall take on this important question of a reform in the representation of the people.

The CHANCELLOR of the EXCHEQUER: Sir, I have been anxious to say a few words in this debate, the more especially as the noble Lord who has just addressed you seems to have greatly misapprehended what was said by the noble Lord (Lord J. Manners). I certainly did not understand my noble Friend to say that Her Majesty's Government was prepared to "concur in any measure" for the reform of this House.

Lord JOHN RUSSELL: What I said was, that I understood the noble Lord the Member for Colchester to say, that the Government would concur in or take into their consideration a well-considered measure for reform.

The CHANCELLOR of the EXCHEQUER: Sir, I think it is evident that to "consider" and to "concur" are two very different things. I should be sorry that any Government would be permitted to exist who was not prepared to consider a measure of such importance as affected the arrangement and construction of this House. I have so recently addressed this House on the subject of Reform, that, even if the sacred hour of the evening was not at hand, I would hesitate to trespass again upon its attention. But I am induced to do so now in order that it may not be considered I am desirous of evading the giving of an opinion upon the question before us, in consequence of the peculiar circumstances of the present Session of Parliament. I object to the measure proposed to be brought in by the hon. Member for East Surrey for various reasons: in the first place, because it is partial. I entirely agree with the noble Lord (Lord J. Russell) that the question of the representation of the community is one which must always be considered on an extensive scale. I entirely agree with the noble Lord that the lax system of Session after Session tampering with the Constitution, now of attempting to alter the constituencies of the towns, and again seeking to add to or adjust the constituencies of counties, would, in the end, evidently lead to some conclusion which cannot be satisfactory. Sir, I think that the question must be viewed on a much larger scale than that which is suggested by the proposition of the hon. Gentleman the Member for East Surrey. But I have also another objection to this Bill. I have often said to this House—I repeat it now, and it is the expression of a deep and sincere conviction on my part—that I think that in the construction of that memorable law, the Reform Act of 1832, there was a very great deficiency—which consisted in a want of due consideration of the rights of the working classes to the franchise; and I own that I was very glad, on a recent occasion, to hear the noble Lord the author of that same Reform Act acknowledge that long observation had induced him to hold the same opinion—an opinion which he certainly at one time did not consider with such favour. And if there be that great deficiency in our system of representation, I assuredly cannot understand how this measure, or the other measures on the same subject which have been so frequently proposed, are at all to meet the deficiency. Under our old system, by the suffrages of the freemen, the political rights of the labourer were acknowledged by the Constitution. We virtually destroyed those rights. I am aware, of course, that the rights of the then possessors were reserved. But the fountains which supplied that constituency were destroyed; and, in fact, we virtually terminated the political rights of labour with the class of freemen we destroyed. I do not for a moment wish now to maintain that there were not strong reasons why the existing arrangements should be interfered with; but, then, I never heard a reason why a more satisfactory arrangement could not have been substituted in lieu of the old one. I trace much of the discontent in this country, which at times has been painfully felt, with regard to the Reform Act of 1832, to the omission to which I have adverted. Well, then, Sir, what has been the remedy which has been offered by those who arrogate to themselves the sole privilege of representing and championing the rights of the working classes? They came forward and proposed a large extension of the suffrage, virtually universal suffrage; their remedy is to throw the whole power of the country into the hands of a mere class. Instead of securing a constituency which gives to property all the rights of property, which gives to labour all the rights of labour, which cherishes, in short, the existence of those various classes, the recognition, the legal and political recognition, of whose interests has, I believe, been one of the main causes of the flourishing condition of this country, and of the duration of its order, both social and political—they propose, as a remedy, a measure which essentially is a measure of class legislation, because they propose to give political authority to a class so numerous that they would overwhelm all other classes, and entirely change the Constitution of the country. To such a change I am opposed, as injurious to the fortunes and condition of the nation. But then, Sir, that is no reason why we may not consider whether an industrial franchise may not be invented, which would give satisfaction to those who claim to be represented in the legislation of the country. That is a question which deserves the grave consideration of any man responsible for the good government of the country. But is this omission in your Reform Act—the source of so much public discontent, and which some think may lead ultimately to public disorder—is it met by the measure proposed to be brought in by the hon. Member for East Surrey? On the contrary; for whilst some hon. Gentlemen acting with the hon. Member for East Surrey complain that property is even too much represented in existing constituencies, let us see what is the answer made to the claims of labour by the hon. Member and his school. The answer is, "he will represent property still more." That, at any rate, is the answer, in this Bill of the hon. Gentleman. Sir, I cannot myself sanction legislation so crude, and, as I believe, founded on such pernicious principles. On the part of myself and on the part of my Colleagues—I have said it before, and I repeat it now, in order that our opinions may not be misunderstood—I state that we do not necessarily associate an extension of the franchise with the extension of democratic power. If I could see any measure brought forward—well matured, conceived, not in political passion, but with a sincere desire of giving to deserving artisans the exercise of the suffrage in a manner consistent with the maintenance of those institutions the preservation of which I believe are as much for the interest of those artisans as they are for the interests of any other class of this country—I would give, and so would those with whom I act, to such a proposition a dispassionate and kind consideration. But, Sir, the Motion of the hon. Member for East Surrey is not of this class; and until some measure is brought which, as I think, meets the difficulties of the case, I must take my stand upon the settlement which exists—not from any superstitious reverence for that settlement, but because I am opposed to year after year tampering with the Constitution of the country — a tampering which I am convinced is the source of political weakness and of national debility. It is, I say, the interest of all men and of all parties who wish to continue the good government of the country, to maintain the existing order, unless they can bring forward propositions which, as regards the suffrage, may tend to give general satisfaction. I am willing to acknowledge that the Act of 1832 has in a great degree fulfilled those expectations; but I have expressed before the point in which I think that that arrangement was weak. I have had satisfaction in hearing the noble Lord (Lord J. Russell) himself acknowledge that he recognises the deficiency of which I have spoken. But I have not yet met from any person in this House any practical or sufficing mode by which the omission is to be supplied. If a proposition of that kind were brought forward which really would meet the difficulty of the case, I would listen to such a proposition with the most respectful attention. Let no one suppose that there is, on the part of the present Government, any bigoted adherence to the forms now existing. The present Government have only one object, an object which I sincerely believe is the object of all the Members of this House, the good government of the country. But they desire to see the greatness of the Realm maintained, and the prosperity of the people secured. And if a change in the franchise is only proposed as a mode of obtaining political power, and of exciting political agitation, to such proposal we must give our unconditional and uncompromising opposition. I have too much respect for the hon. Member for East Surrey to describe his Motion as a measure of this kind. But I must nevertheless describe it as essentially unsatisfactory, not calculated in any degree to meet the exigency of the state of affairs; one which I can easily understand, if successful, may lead to much disturbance and readjustment, but which at the same time can conduce to no permanent or enduringly acceptable settlement; and, therefore, I must give to it—not because this is the last Session of the existing Parliament, but because I would take the same view under any other circumstances — an unqualified opposition.

Sir BENJAMIN HALL said, at the commencement of the Session they read in the papers a statement made by Lord Derby, immediately on his taking office, to the effect that there should be no further reform in the representation of the people; and, therefore, he (Sir B. Hall) was not surprised at the opposition which had been made to the Motion before the House. But, he would ask, what was the extension of the franchise which the Chancellor of the Exchequer had just shadowed forth? Was it to be a reality, or was it only a miserable claptrap for the hustings? Was the right hon. Gentleman sincere in what he had stated, or was he not? The right hon. Gentleman said the great deficiency in the Act of 1832 was the want of proper attention to the rights of the working classes. Was the House to collect from that voluntary admission on the part of the Chancellor of the Exchequer, that when Parliament assembled again, Ministers would bring in a measure for the purpose of extending the suffrage to the working classes? If the right hon. Gentleman was sincere, and really intended to do that which he had hinted at, let him say so at once. Let him say, in reference to this question—as in reference to protection, which he gave up six months ago—that he would once more come forward a radical reformer, as in days of yore, when he cast an eye on the representation of Marylebone, and bring in a Bill for conferring the franchise on the working classes. But when the right hon. Gentleman talked of tampering with the franchise year after year, he (Sir B. Hall) would remind him that no alteration whatever had taken place in the franchise from the time of the Reform Bill to the present day. The right hon. Gentleman the Secretary of State for the Home Department had recently, however, made a strange proposition in reference to the militia franchise. [" Oh, oh!"] Hon. Members on the Ministerial side of the House might well cry " Oh, oh!" for he supposed they were now ashamed of that matter. He thought the House ought to see what was the class of people which the Government intended to enfranchise, and what was the class which was proposed to be placed on the electoral list by the Motion before the House. Let them suppose a scene in the revising barrister's court. Let them fancy two persons claiming to be placed on the electoral list. One of them had served with distinction in the Peninsular campaign, and wore on his breast the badge of the highest class of knighthood, and came before the barrister desiring to be placed on the register, on the ground that he occupied a tenement of 48*l.* a year. The revising barrister told that man, if he had all the glory of the Duke of Wellington, and all the honour of Nelson, but at the same time only occupied a tenement of the value of 48*l.* a year, he could not admit his name to be placed on the register: that as the law at present stood, the qualifications tendered by the gallant officer were unknown and uncared for, and the application must be dismissed. Now, let them see the other candidate for electoral rights, the militiaman, who claimed to be enrolled as a voter. Hon. Gentlemen on the Ministerial side of the House must not treat that now as an after-dinner joke. It was a deliberate proposition: the noble Lord at the head of the Government would not so work upon the simplicity of the Secretary of State as to allow him to make such a proposal to the House, unless the matter had been previously settled in the Cabinet. The other man who applied to the revising barrister for admission on the register might be a loutish clown—a feeder of pigs in a farmyard—a Hugh Oatcake or a George Seacoal, as portrayed by Shakspeare, in his *Much Ado about Nothing.* He could imagine Dogberry addressing such a claimant in these terms:—" Come hither, neighbour Seacoal. God hath blessed you with a good name: to be a well-favoured man is the gift of fortune; but to write and read comes by nature." Well, such a man was asked by the barrister what his qualification was? But " qualification" was a long word, he did not understand foreign languages — he only comprehended the Queen's English, which he occasionally murdered to the greatest possible extent. But when he came to state what his calling was, it was found to be of the meanest description. He had received the 6*l.* bounty money, had worn a red coat for twenty-one days, was five feet two in height, and desired to be placed on the register. The revising barrister admits the claim—and he was placed on the register. That was the person whom the Government at one time thought of investing with the elective franchise; and now they rejected a proposition like that of his hon. Friend the Member for Surrey. All he (Sir B. Hall) could say was, that if the Government intended to abide by a recent statement of the noble Earl (the Earl of Derby), that it was his intention there should be no reform, the House and the country ought to understand their intentions clearly and distinctly. If, on the other hand, the right hon. Gentleman the Chancellor of the Exchequer meant to enfranchise the working classes, let him say so at once, and he (Sir B. Hall) would be very glad to see a Bill for that purpose laid on the table.

MR. LOCKE KING, in reply, said, that it had been stated the measure he proposed would introduce a very great constitutional change. It would, however, do an act of simple justice, by giving to the inhabitants of certain localities the right of voting possessed by persons occupying property of the same value in other localities; and so far he thought it was desirable that a constitutional change should take place. It had been also said that the object of his measure was merely to secure representation to property; but what he contended for was, that if property was represented in one locality it should be represented fairly in another.

The House *divided*:—Ayes 149; Noes 202: Majority 53.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Bailey, C.
Baines, rt. hon. M. T.
Bass, M. T.
Bell, J.
Berkeley, C. L. G.
Bernal, R.
Blackstone, W. S.
Bright, J.
Brotherton, J.
Bunbury, E. H.
Carter, J. B.
Caulfeild, J. M.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Drummond, H.
Duff, G. S.

Duff, J.
Duke, Sir J
Duncan, Visct.
Duncan, G.
Duncombe, T.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Grenfell, C. W.
Grosvenor, Lord R.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hutt, W.
Jackson, W.
Keating, R.
Keogh, W.
Langston, J. H.
Lennard, T. B.
Lewis, G. C.
Littleton, hon. E. R.
Loveden, P.
Lushington, C.
M'Gregor, J.
Mangles, R. D.
Marshall, J. G.
Martin, J.
Melgund, Visct.
Milligan, R.
Milnes, R. M.
Mitchell, T. A.
Moncreiff, J.
Morris, D.
Mowatt, F.
Norreys, Lord
Norreys, Sir D. J.
O'Flaherty, A.
Parker, J.
Pechell, Sir G. B.
Perfect, R.
Pigott, F.
Pilkington, J.
Pinney, W.
Ponsonby, hn. C. F. A. C.
Price, Sir R.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Russell, F. C. H.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scully, V.
Seymour, H. D.
Shafto, R. D.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hn. Sir W.
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Townshend, Capt.
Tufnell, rt. hon. H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Wood, Sir W. P.
Wyld, J.
Wyvill, M.

TELLERS.

King, L.
Hume, J.

List of the NOES.

Adderley, C. B.
Arbuthnott, hon. H.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, H. B.
Barrow, W. H.
Benbow, J.
Bennet, P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bridges, Sir B. W.
Brisco, M.
Brooke, Lord
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir A. I.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, W. G.
Cayley, E. S.
Chandos, Marq. of
Charteris, hon. F.
Child, S.
Childers, J. W.
Christopher, rt. hn. R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Coke, hon. E. K.
Coles, H. B.
Collins, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Dod, J. W.
Douro, Marq. of
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, Hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Goulburn, rt. hon. H.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hatchell, rt. hon. J.
Hayes, Sir E.
Heathcote, Sir G. J.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hill, Lord E.
Hogg, Sir J. W.
Hope, Sir J.
Hotham, Lord
Hughes, W. B.
Johnstone, Sir J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Kelly, Sir F.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Legh, G. C.
Lennox, Lord A. G.
Leslie, C. P.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord J.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mostyn, hon. E. M. L.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmerston, Visct.
Patten, J. W.
Peel, Sir R.
Plowden, W. H. C.
Prime, R.
Pusey, P.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
Russell, Lord J.

Sandars, G.
Scott, hon. F.
Seymour, Lord
Shelburne, Earl of
Sibthorp, Col.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Sturt, H. G.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Vesey, hon. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Williams, T. P.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Bateson, T.
Lennox, Lord H.

COLONEL OUTRAM.

Mr. CHISHOLM ANSTEY rose to move for copies of the papers and correspondence concerning the investigations made by Colonel Outram, into the existence of corrupt relations between the Guicowar or his subjects and certain officers of the Bombay Government; and also concerning the removal of the said officer from his post of resident at Baroda.

Mr. BAILLIE rose to order; he said he thought he might save the time of the House if he mentioned that those papers, which had been moved for on several former occasions, had only arrived in this country by the last mail a day or two ago, and that they were at this moment under consideration by the India Board. He begged to suggest to the hon. and learned Member, therefore, the propriety of postponing his Motion.

Mr. CHISHOLM ANSTEY said, notwithstanding he should press the Motion to a division. There was no doubt about the facts. They were admitted, and the only question had been the propriety and prudence of their being brought before the notice of Parliament by him, as they had long since been brought before the notice of the public, and particularly the natives of India, by the servants of the Company themselves. The existence of corruption at Baroda was not denied. The participation of officers high in the confidence of the Bombay Government could no longer be concealed; but the question yet remained to be decided whether or not it was fitting, when so much was already known, that the Government in this country or in India, or the Court of Directors in Leadenhall-street, should be permitted to come forward and obstruct as far as they could the process of inquiry into what still remained to be known, the only result of long concealment being not the evasion of shame and disgrace, for shame and disgrace already attached to the Government, but the evasion and impunity of the real offender. With Colonel Outram he (Mr. Anstey) had nothing whatever to do, and in moving for these papers he did not concern himself to ask in what way their production would or would not affect the pecuniary interests of that officer.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS.

Wednesday, April 28, 1852.

Minutes.] Public Bills.—1° Trustees Act Extension; Valuation (Ireland).

UNIVERSITIES OF SCOTLAND BILL.

Order for Second Reading, read.

Mr. MONCREIFF moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. F. SCOTT said, he had hoped that the hon. and learned Gentleman the late Lord Advocate, in making this Motion, would have stated the grounds upon which he asked the House to assent to it. This was no new question either to the House or the country, but yet it was not one in which the people of Scotland and England had so little interest that it might be allowed to pass *sub silentio* upon the mere naked and unsupported Motion of the hon. and learned Gentleman. The petitions that had been presented in favour of this Bill were numerically insignicant as compared with the population of Scotland; whilst, on the other hand, the petitions, together with the weight of the signatures attached to them, presented against the Bill, ought to make the House pause before it adopted a measure like the present, so subversive of the character of the Scotch Universities, of the position of the Church of Scotland, so detrimental generally to public education, and so adverse to the national feeling. This question must be regarded in various aspects: first, as it regarded the Church of Scotland; next, as it regarded the parochial establishments connected with that Church; thirdly, as it thereby affected the Universities; and, finally and principally, as it affected the moral and religious education of the vast body of the people. In the year 1688 the Presbyterian form of Church Government was established in Scotland, and was ratified and confirmed by the Act of 1690. Subsequently to this came the Treaty of Union and the Act of Security in 1707, which was not an ordinary Act of Parliament, but a solemn compact between one Kingdom and another, containing guarantees and engagements which were mutually agreed upon. By that Act greater security was provided for the Protestant religion, and for the worship and discipline of the Church of Scotland, by ordaining that the Universities and Colleges of St. Andrews, Glasgow, Aberdeen, and Edinburgh, as then established by law, should be perpetuated within this Kingdom; and that in all time to come no professor, principal, teacher, or other person, bearing office in either of these institutions, should be capable of being admitted to exercise their functions unless they subscribed to the *Confession of Faith* of the Established Church, conformed to its practice, were subject to its discipline, and promised never, either directly or indirectly, to do anything that would subvert the same. That was an essential part of the solemn engagement entered into by the Legislature, upon which the Union of the two countries was based; and nothing short of the most irresistible reasons should induce that House to break through that engagement. He was aware that it might be said that the tests imposed had not at all times been rigidly enforced; but the original object was to obtain for the people of Scotland some guarantee that the teachers in the Scotch Universities should have sound religious principles, and be attached to the faith of their forefathers; and the effect produced by the practices which had existed for 150 years in that country had shown that the practical working of the system had proved most beneficial to the country. To what country could they refer where the education of the people was more moral or religious than it was in Scotland? What country had produced so many signal instances of moral worth among the lower ranks of the people, or greater success in the branches of industry to which they applied themselves in all parts of the world? The character of a people was always strongly moulded by the institutions under which they lived; and he believed that no institution in Scotland was so valuable as the parochial schools in connexion with the Universities of that country. In the year 1826, some relaxation having taken place in the enforcement of these tests, a Royal Commission, consisting of the most eminent persons connected with Scotland, was issued to inquire into the mode of inducting to the professors' chairs of the Scotch Universities; and the result of that inquiry was, that the Commissioners, with one exception, unanimously reported in favour of the continuance of the tests which it was, the object of this Bill to abolish; and not only so, but the Commissioners made a special recommendation that the tests should in all cases be enforced. The hon. Gentleman, who had introduced the Bill last year, quoted a passage from the Report of the Commission appointed in the year, 1830, from which he appeared to deduce a most extraordinary argument to urge before a body of English gentlemen. The hon. and learned Gentleman, finding from that Report that the Scotch Universities were not (like those in England) "appendages to the Church, nor mainly adapted for the education of the clergy," had inferred that, therefore, religion ought not to form a main and principal portion of the education at those Universities, and that the professors and teachers of the people of Scotland need not subscribe to any particular religious creed or articles of faith. He (Mr. F. Scott), on the contrary, rather concluded from the fact that these Universities were not solely or mainly intended for the education of the clergy, that, therefore, the Legislature of Great Britain ought to take special care that religion was carefully instilled into the minds of the laity, and more particularly into the minds of those teachers to whom the people of Scotland had to resort for their education. There could be no sound moral training unless it were accompanied by religious instruction; and the Universities in Scotland had been so carefully connected with the Church, that while, on the one hand, they were not allowed to assume too close a resemblance to monastic institutions, they were saved, on the other hand, from the dangers of latitudinarianism and materialism, and had taken that just middle course which was so well calculated for the education of a moral and religious people. In England there was no complete parochial system of education like that long pursued in Scotland: there were indeed in many, perhaps in most, parishes, village and other schools founded and supported by the benevolence and charity of individuals; but there was in England this great defect, that there existed no legally constituted system similar to that provided in Scotland, where there was a schoolmaster appointed in every parish in connexion with the clergyman officiating there, and which, in point of fact, gave to the Church a large control over the schoolmasters of each parish on the one hand, and over the professors in the Universities on the other. What reason, then, was there for dissolving the intimate connexion that had long subsisted between the Church and the established educational institutions of that country? Had the Church exercised influence harshly, or arbitrarily, or in a tyrannical manner? No proof whatever of such an allegation had been adduced. On the other hand, it would be said that the test had been relaxed in certain instances, and therefore might be abandoned altogether. Had it been alleged that subscription to these tests was required on all occasions, he should have considered that as a valid and sufficient reason for inquiring into the exercise of the powers of exacting such subscription by the hands in which it was placed; but as it was admitted that the enforcement of the right was in practice relaxed, he thought that a good reason for allowing the Universities to continue in the useful course they had hitherto pursued, leaving in their hands the power of enforcing subscription, and of considering whether it should be exercised or not. Then it might be said that the Church was not now so powerful as in former times, and did not embrace within its pale so great a proportion of the population as she formerly had done. If so, he would call on the House not to adopt a measure which would still further weaken its influence. The Church was still adhered to by the vast majority of the people of Scotland, and even those who have separated themselves from it, dissent rather from its discipline and form of government, than from its doctrines or its creed; and whilst its members continued warmly and deeply attached to it, he thought that House should not sanction any measure which would weaken its power. He thought these were special reasons why they should not consent to this Bill. What was there that had befallen the Church that should call upon that House to make this alteration? First, as regards the students at the Scotch Universities. Was it that the Universities were not now the resort of the youth of England and Scotland? Was it that those who attended them were not well instructed in all branches of science and knowledge? He contended that at no former period had those Universities been more efficient than they were at present. They were still as much as ever the resort of the youth of Scotland, where, in matters of religion, science, and literature, the instruction was as sound as in days gone by. Next, as to the effect of this measure upon the professors. It was requisite that they should select those to fill the chairs of the Universities who were best qualified. He desired to know whether adherence to Christianity and the holding sound doctrine according to the forms of the Church of Scotland, was not a qualification which it was very material that the teachers of youth should possess? All other religious bodies, the Associate Synod, the Free Church, and other communities, had seminaries for the education of youth. Did they not require subscription to their tests; and was it to be said that the Established Church of Scotland alone should not require any test as a security for the youth committed to their charge? It might be argued that these tests would have excluded from the chairs of the Universities the philosophy of a Locke and the science of a Newton. True, but they had also excluded the scepticism of a Tom Paine, of a D'Alembert, and a Voltaire. Abolish subscription, and what guarantee could be offered against the chairs being filled by persons of any or no religion whatever. Another argument in favour of the present system was, that, in those Universities there had been no exclusiveness. The students had open to them all branches of literature, and prizes and distinctions in each were freely awarded to them. It seemed to him that when chemistry or geology was taught by persons who were not themselves Christians, great risks were run of the students embracing materialist or sceptical doctrines. Tuition was but a small portion of education. Its highest aim and most important province should be deemed the education of the heart; and he thought that the development of the phenomena of chemistry, and the attractions of natural philosophy, afforded the most delightfully instructive opportunities of cultivating the understanding by directing the attention of youth to the supervision of an Almighty Providence. He, therefore, thought the Universities would suffer if this measure were carried; and even those who were its originators would find that they had inflicted a very great blow on those venerable bodies by admitting into them as instructors persons who were not attached to any form of Christianity. The Universities will lose in numbers as they will decline in character, if you avowedly profess that the scoffer, the atheist, the Socinian, the blasphemer, or the materialist, was as free to occupy the chairs of learning as the orthodox believer of a Christian creed. Think of the effect of sanctioning and promulgating such doctrines: will parents send their children to run the risk of such contamination? and if they do, reflect upon the effect upon society generally, the mischievous effect upon the character of the people. It seemed to him that these were not times in which they ought to dismiss all their securities for the pure moral and religious education of the youth of this country. The first oath with which it would be needful to dispense, was that taken by the Sovereign, at her accession, to maintain the Protestant religion as settled in the Established Church of Scotland, which was so remarkable in its terms that he would take the liberty of reading it to the House:—

> "I, Victoria, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, do faithfully promise and swear that I shall inviolably maintain and preserve the settlement of the true Protestant Religion with the government, worship, discipline, rights and privileges of the Church of Scotland as established by the laws made then in prosecution of the claim of right, and particularly by an Act entituled, 'An Act for Securing the Protestant Religion and Presbyterian Church Government,' and by the Acts in the Parliament of both Kingdoms for the Union of the two Kingdoms. So help me God! Victoria R."

Did we feel, then, that the Protestant religion was so secure from all attacks at this time, that we should absolve the Sovereign henceforth from taking that oath? Was this a time when we should open the floodgates of infidelity, and let loose a stream of pollution on the morals and manners of the rising youth of this country? He regarded the proposition as an assault upon the Church of Scotland, quite as much as upon the Universities, and when they had robbed the Universities of Scotland of the securities now existing for the good government of the youth entrusted to their care, he believed that those of England and Ireland would speedily be assailed in their turn. Remove those tests, and he thought they would do much to unchristianise the people of Scotland. It was one thing to relax those tests in practice, and another to abrogate and repeal them; the former only proved that the Universities had moderately and wisely, not intolerantly, exercised the power placed in their hands. He called on the House to beware how they admitted such an influx of latitudinarian doctrine into the very source and fountain of national character and education. For these reasons he should move as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. MONCREIFF said, it would be recollected that as far back as 1845 this question had undergone a very full discussion, and from the indications of opinion then given by the late Sir Robert Peel, and the right hon. Baronet the Member for Ripon (Sir J. Graham), it looked as if after some lapse of time there would be no great objection in any quarter to passing a measure of this kind. Although he feared that anything he could urge would be but a feeble recapitulation of what the House had then heard from his predecessor in the situation he had lately the honour of filling (Mr. Rutherfurd), and from the right hon. Gentleman who then represented Edinburgh (Mr. Macaulay), he would endeavour as shortly as possible to explain the grounds on which he thought this measure should be adopted by the House. He must fairly own he was rather disappointed that Her Majesty's Ministers did not see their way to consent to the second reading of this Bill. He had some hopes of this, because he recollected that the hon. Gentleman the Secretary for the Treasury (Mr. F. Mackenzie), and the hon. Member for Stirlingshire (Mr. Forbes), suggested that time should be given to ascertain the opinions of the people of Scotland on the question. He did not find anything in the result of that appeal to render it incumbent on Ministers, if not otherwise inclined to do so, to repudiate this Bill. Fifty-two petitions had been presented in its favour, and, including fifteen presented that day, forty-eight against it; the signatures to the fifty-two petitions were upwards of 5,000, whereas those to the forty-eight petitions did not amount to 100. He did not found upon that as a criterion of the merits of the petitions; but the reason why the signatures against were so few, was, that, with the exception of a petition from the students of Marischal College, Aberdeen, he was not aware that there was a single petition against the Bill from any quarter excepting from the Presbyteries and Church Courts. He only maintained that the appeal to the people of Scotland proposed by hon. Gentlemen opposite had been answered, and that it was not unfavourable to the Bill. Petitions in favour of the measure had been presented from the most respectable municipal bodies in Scotland, including those of Edinburgh, Aberdeen, and Dundee, and from the Convention of Royal Boroughs, which included delegates from every municipal town in Scotland. Petitions in favour of the Bill had also been presented from public meetings called in several large towns, as from Aberdeen, signed by upwards of 1,000 persons, and also from Edinburgh, as well as from the church judicatories of the dissenting bodies, the Free Church, the United Presbyterians, &c. It was perfectly certain, therefore, that they would find no ground in popular feeling for resisting the proposition; on the contrary, though it was not a subject calculated to excite great popular agitation, it was quite clear that the people of Scotland had no desire to maintain those tests. He thought he could show that his countrymen set no value whatever on those tests, and would be willing that they should be swept away; as also that the Established Church of Scotland did not value them in the slightest degree, and considered that it would not be injured by their repeal. If he could suppose this measure to be an attack on the religion of the people, or that he should be weakening in the slightest degree the security for the orthodox religious and moral instruction of the community, this might create a material doubt; but he did not propose to affirm in the abstract that religious tests ought not to exist; he proposed to do away with a great practical evil. A religious test that had grown up in a University for a great number of years, and had stamped its character on the institution—whatever opinion might be formed as to its expediency—had something of the respectability and consistency of age; but a religious test that was religiously disregarded, and only used to exclude those whom its framers themselves would have been the first to admit—a test that conferred no strength, and was only used for the gratification of an intolerant and persecuting spirit—such a test was useless as a security, and remained a scandal to the Statute-book. Let him say a word as to the history and purposes of the test, and also as to its nature and character. The Universities of Scotland were not ecclesiastical institutions, and the test was not within the power and control of the Established Church of Scotland in any way. The Church had not the power of requiring professors to take the test; each professor was subject to the Senatus Academicus within the walls, and sometimes to the patron beyond the walls, but was not so in any degree to the Established Church. Again, they were not ecclesiastical institutions in this sense—for students of all denominations attended them. There was no domestic discipline within their walls, and they had no analogy in their origin, powers, and privileges with the Universities of Oxford and Cambridge. Each student attended the professor's prelections in his class-room; and when he quitted it, was as free from the superintendence of the professor as of any other person. These tests were established by two Acts passed in 1690 by the Scotch Parliament, and in 1707 by the Imperial Parliament. They were intended to exclude Episcopalians, and that was their sole object. Every one knew the attempts made to convince King William that the establishment of Presbyterianism in Scotland would be injurious to the Kingdom, but that Principal Carstairs, by his influence at that time, succeeded in establishing Presbyterianism; and it was in consequence of these intrigues of Episcopacy that the Church party in the Parliament of Scotland passed the first Act in 1690. The Episcopalian party were unceasing in their endeavours to persuade the Government to establish Episcopacy; and the controversy was at its height when, in 1703, the first proposition for the Union was made. One of the main arguments against the Union was, that they would come under a Parliament where bishops sat in the House of Lords. In Defoe's *History of the Union*, he said—

> "It happened then, as it had happened before, that the cry of security to the Church of Scotland was made the stalking-horse of all parties, even those who did not care for the Church. This brought the Jacobites to cry out for the Church,

and the Tories to cry out a breach of the Covenant."

The sole aim and object of these tests had been to exclude Episcopacy from power at a time when Presbyterianism, but for some such guard, seemed in danger of having its youth corrupted, in their seats of learning, by the nominees of prelacy. It was for this purpose alone that the Act of Security provided that all the professors in the Scottish Universities should subscribe not only a profession of the faith, but a strict adhesion and obedience to the doctrine and discipline of the Established Presbyterian Church of Scotland. This fundamental Act was to be unalterable also; yet not more than four years had elapsed after its passing, when the Ministry of Bolingbroke, in 1711, brought in a Bill for restoring lay patronage in Scotland, which was hurried through the House of Commons in three weeks, so that it was not till the Bill had reached the House of Lords that the General Assembly had even time to make a remonstrance against the proceeding. He only asked for redress in the smallest degree of the great injustice done by that measure, which had been the fruitful source of the calamities that had befallen the Church of Scotland. As the law now stood, the professors in the Universities were obliged to declare their adherence to the doctrine and discipline of the Church of Scotland as settled in 1707, under the Act by which lay patronage was abolished. The effect of the great disruption which took place in 1843 had been to put the Established Church of Scotland in a minority as regarded the whole population, and also in reference to those who had embraced the doctrine which prevailed in 1707, and differed from their brethren on the one subject of the law of patronage. As matters now stood, then, he asked if they were to continue to exclude from the chairs of the Universities one-half of the population of Scotland who agreed in maintaining every point of Presbyterian doctrine? The result would be to exclude themselves from a large field of choice in filling up the professorships, without one advantage gained; for what did they gain by excluding a man who was well qualified for the duties of such an office, when they knew that he was a sound Christian? It was perfectly clear that the tests were obsolete; they were no longer useful as safeguards for religion, and must be regarded as a crumbling bulwark, dangerous only to those who were behind it. It was said we must have some security against infidelity and scepticism. There was a period when dangers of that kind might have been apprehended. Fifty or sixty years ago, when great scientific discoveries were being made, and when the chairs of philosophy were sometimes filled by men not distinguished by zeal for the truths of revelation, such apprehensions might have been reasonable. But did the tests then exclude scepticism? The fact was notoriously otherwise. Look, again, at the consequences if the test were to be rigidly enforced at the present day. Who was it that now sat in the chair of Playfair and of Leslie? A man not less famed for his talents than respected for his piety; yet enforce the test, and Professor Forbes, a man of European reputation, must be lost to the University of which he was so conspicuous an ornament, and where he so eminently aided the education of the youth of Scotland—that education which the abolition of the tests, it was said, would so terribly compromise. There was another who had attained the highest eminence in the pursuits of literature, who was not more remarkable for the brilliancy of his genius, than for the strong religious feeling which ran through his writings. John Wilson also would be a proscribed man. If all heretical opinion were to be purged out, the Universities must be deprived of their brightest ornaments. Sir David Brewster must be dethroned from his principality at St. Andrews. Such men as Aytoun and Forbes, and even Simpson and Miller, in the medical school, must be excluded. Out of eighty professors in the Scottish Universities there were no less than twenty-four—more than one-fourth of the whole—who had not subscribed the test. This was an example of the existing practice. The enforcement of these tests would limit the Scotch in the choice of a professor, a restriction for which he saw no reason. It might, however, be said, that although these tests should not be maintained in their integrity, still there should be some tests to secure the religious belief of the professors. But, in the first place, he objected altogether to the system of tests. It was the vice of fetters for the intellect and conscience, that they bound when they should not, and did not bind when they should. But if her Majesty's Government or the opponents of the Bill had any improvement to suggest in the system of tests, there was no reason why the House should not agree to the second reading of this Bill, if he had proved that the present tests were objectionable. With respect to the objections to the repeal of these tests, founded on the Act of Union and the Act of Security, he maintained that it was impossible to legislate for a perpetuity, and that they were entitled, with the concurrence of the people of Scotland, to sweep away those tests, which, if they ever had been of service, were so no longer, but had become and were felt to be an incumbrance. If these tests were maintained, the consequence would be that sectarian Universities would be founded for sectarian teaching, and that a ruinous competition would take place between them. He thought, then, that he was entitled to appeal to the House whether the time had not come when, without the slightest injury to religion, and with great benefit to literature and science, these obsolete tests might be swept away.

Sir ROBERT H. INGLIS said, that the statement of the hon. and learned Gentleman who had just resumed his seat, showed that the existence of the tests did not practically prevent the youth in the Scottish Universities from the benefits of the highest professorial ability; and in this point of view the tests could not, therefore, be said to operate injuriously; while, on the other hand, they must certainly operate for the security of the Church of Scotland, since professors such as those who had been named by the hon. and learned Gentleman, though they might not actually belong to the Church of Scotland, afforded a guarantee, in their general characters, that they would do nothing to injure that Church, or the general cause of religion. Those who might be misled into giving their assent to the Bill, because a clause was introduced providing that the theological chair was not to be filled, except by a member of the Established Church, ought to be aware of the very slight nature of the security offered; for in such another speech as he had just delivered, the hon. and learned Member for Leith would probably propose to abolish in the ensuing year that last remaining test. At least, the legal ground on which the present system rested, would have been removed. The ground on which he (Sir R. Inglis) resisted the measure, had no reference to any question whether the majority of the Scotch people objected or not to the imposition of tests—neither did he take into his consideration whether the members of the Established Church consisted of one-third, the adherents of the Free Church of another third, and those belonging to other denominations, of the remaining third of the population of the country. His proposition was, that a body called or recognised as the Established Church of Scotland, had certain privileges secured to them by a solemn treaty between two independent nations, before that treaty was noticed or incorporated in any Act of Parliament, and that they had a right to adhere to any principle of exclusion which that treaty gave them, and which they at present enjoyed. The hon. and learned Member (Mr. Moncreiff) said, as the tests were imposed by an Act of Parliament, they could be altered or abolished by the same authority which enacted them. He (Sir R. Inglis) denied the force of that proposition. He repeated, that the rights given to the Universities were not established by Act of Parliament, but by a solemn treaty between two independent nations. They were so recognised at the time—they formed a fundamental article in the Treaty of Union—and they were afterwards incorporated in an Act of Parliament. It was said to be unworthy of the present age to impose these tests. He would ask any Roman Catholic Member of that House if he would give his sanction to the withdrawal of a test which prevented any but persons of his own persuasion from holding office in a Roman Catholic University? Or would he allow his children to be educated in a college where a Roman Catholic was excluded by a test from occupying a professor's chair? Were they to allow men of any or no communion to be teachers in Scotch Universities? If so, infidelity might eventually be taught by the professors of theology. But it was not necessary to go so far: it was enough to state that infidelity might easily be taught, even by the very silence of a Professor, where Christian principle would speak out. There was scarcely a branch of knowledge which ought not to be imparted by persons who were guided by pure religious principles. He admitted in the strongest manner the great claims which Sir David Brewster had upon their consideration; but 500 Sir David Brewsters would be of no avail in convincing him of the necessity of the Bill, because the existing system had not deprived them of his services, or of the service of other eminent men like him. The claim of the Church to maintain these tests was recognised by the prescription of 150 years, at the commencement of which period it was granted by the highest authorities who represented England and Scotland. To pass the Bill would be to virtually abrogate the oath taken by Her Majesty at her coronation, and required to be administered to every succeeding Sovereign respecting the maintenance of the reformed Presbyterian faith in Scotland. There could be no doubt that the general security and peace of Scotland depended more on the proper inculcation of religious learning than on any scheme which human ingenuity had devised. For these reasons he could not agree to the Bill.

MR. BETHELL said, that the existence of these tests, if they were not imposed, could be no security that professors would do nothing to injure the Church of Scotland, for if they were not taken at the time of election, and the professor was once in possession of his chair, there was no power by which he could be deprived of his office, or be compelled afterwards to submit to the imposition of these tests. The hon. Baronet who had just resumed his seat had also objected to the repeal of these tests, on the ground that they gave a security for the moral and religious education of the people of Scotland. He (Mr. Bethell) thought, however, that that argument was derived from a knowledge of the working rather of the English than of the Scottish Universities. The Scotch Universities were formed on the old model, while in England the collegiate system had altogether usurped university education. In English Universities the young men were subject to surveillance, and the result was that their education was conducted on what he might call the domestic principle, which was in direct opposition to the old university system; while in Universities conducted on that old system, as in Scotland, no attention was paid to the habits of the students, nor was any test or discipline required. Why, then, should they require the professors to be subject to a test from which the students were exempt; why should they require in the former a particular religious belief, which they did not require from, and took no particular pains to inculcate upon, the latter? The fact was, that this Statute remained a dead letter, unless when it was raked up to become a weapon in the hands of religious animosity. To the petitions which had been presented against the measure, he would oppose the intrinsic reasonableness and necessity of that to which the House was now called upon to assent; and the fact that the people of Scotland had actually found it necessary to dispense with the enforcement of these tests, in order to obtain a more extended and more thorough literary and scientific education. The hon. Baronet (Sir R. Inglis) said that a professor in giving instruction in classics or science might teach infidelity. But these tests were no security against an infidel obtaining these chairs; and why then should they be maintained? With respect to the objection founded on the obligation imposed by the Act of Union, he contended that it would be better obeyed by passing a Statute in accordance with public reason, utility, and convenience, than in maintaining tests which the experience of a century had abrogated, and which had been and could be continually set aside, as often as necessity or convenience required, and as long as there was no religious controversy pending. On these grounds he trusted that the House would no longer permit the Statute-book to be disgraced by a law which was violated as often as there was any reason for violating it, which there was no power to enforce, and which the very necessity of the case showed the necessity of expunging.

MR. WALPOLE said, the hon. and learned Member for Leith (Mr. Moncreiff) in his able speech, had remarked, and before any Member of the Government had spoken, that they were going to oppose this Bill. It was perfectly true that they felt it their duty to do so; and considering the objections which this Bill was open to, he thought that no Government could take any other course. In the first place, the measure was a direct violation of a national compact, made at the time of the Union between England and Scotland; and no national compact ought to be broken through, except upon cogent and satisfactory reasons. In the second place, its principle, if it were recognised, must necessarily undermine the principle upon which our ecclesiastical institutions, not only in Scotland, but in other parts of the Kingdom, were founded and endowed as establishments for the national education and instruction of youth. Now, supposing that this Bill was open to those objections, and no strong or urgent case had been made out for the proposed alteration, it was surely not only the duty of the Government, but also of Parliament, to take care that existing rights and principles were not hastily violated. His first objection appeared so strong, that the hon. and learned Member for Leith had even admitted its force. The House would bear in mind that what the Bill asked them to do was this, namely, to prescribe that those who filled the chairs in Scotch Universities, should no longer subscribe to the *Confession of Faith,* as their confession of faith. Let it not be forgotten by the House that the Act of Security contained these preliminary conditions on which the Act of Union was afterwards founded. The Act of Security distinctly enacted that the Commissioners who were empowered to make the Treaty of Union between England and Scotland, were precluded from making any alteration in the worship and discipline of the Church of Scotland as by law established. They were precluded from treating on any other terms different from these; and the Act itself went on to state that the four Universities and Colleges of Scotland—those of Edinburgh, Glasgow, Aberdeen, and St. Andrews—as then established by law, should continue within the Kingdom for ever. It then enacted that no professors should be admitted to the chairs of these Universities and Colleges unless they subscribed to the *Confesssion of Faith,* as a confession of their faith, and promised to conform to the practice and worship of the Church, to submit to the government and discipline thereof, and never to do anything which, either directly or indirectly, would prejudice or lead to the subversion of the same. It further ordained that these provisions should be "held and observed in all time to come as a fundamental part of any Treaty of Union to be concluded between the two Kingdoms, without any alterations of any sort whatever." These were the preliminary conditions on which the Act of Union was made; and he contended that they had no right to bring in any measure upon that Act of Union, unless strong, urgent, and conclusive reasons could be shown for adopting such a course, so that the House might be justified in making an alteration of a Treaty thus binding and obligatory on both countries. However, the hon. and learned Member for Leith and those who supported him had failed to convince him that the House was warranted in adopting such a one—passing such a Bill. The hon. Gentleman said that the number of petitions *pro* and *con* were not materially different. Unquestionably the majority was in favour of the Bill; but was that a reason why they should alter an important article in the Treaty of Union, especially when it appeared, as the hon. and learned Gentleman himself had shown, that the practice was relaxed where a good reason existed for such relaxation? A weaker case could not possibly have been made out. The hon. and learned Gentleman said that by applying the test, the choice of professors was limited. Unquestionably that was so to a certain extent; but he must remind the House that, almost in the very next breath, the hon. Gentleman answered his own argument, for he showed that, out of the number of professors in the Scotch Universities, no fewer than twenty-four were unable to take the test. [*Cheers.*] He understood the meaning of that cheer. He understood it to mean that if the test was relaxed in twenty-four instances, why was it not done away with altogether? The obvious answer was, that the test was maintained to give the power of preventing those who were not members of the Church of Scotland, and who might abuse the trust that was reposed in them from educating the youth of the country contrary to the principles which that Church proposed. But when they had confidence in them, and were satisfied that they would not endeavour to do so, then the rule was judiciously relaxed. He held it was the bounden duty of the Government and of Parliament to take care that those fundamental articles were preserved, unless conclusive reasons were shown for relaxing or modifying them. There was also another question to be considered, namely, whether these tests had inflicted any injury upon the education of the people of Scotland. On that subject he was open to the correction of Members much more acquainted with the country than himself; but he always understood that no complaints were ever made, either of want of ability or of deficiency of knowledge among those who occupied the professorial chairs. Nay, he had always understood that education in Scotland was conducted in a manner so creditable to the people, and that the parochial schools were maintained in a state so efficient, that Scotchmen, wherever they went, might, from the fact of their being Scotchmen, almost be considered fit for any kind of employment, because it was generally known that the education they had received was considered a guarantee for their learning and their ability. It would be impossible, if a violation of the fundamental articles of Union between England and Scotland were sanctioned, to draw a distinction between England and Ireland; and, consequently, the ecclesiastical institutions of both countries might be materially altered. In all academies and seminaries founded by private parties, established by Act of Parliament, or incorporated by Royal Charter, religious and other tests were imposed; and they had no more right to call upon Parliament to interfere with those great public institutions, and do away with the tests, than they had to abolish the tests which the establishments either of Episcopalians or Dissenters thought fit to use, in order to secure the education of their people according to their own faith and principles. The hon. and learned Gentleman (Mr. Moncreiff), contended that the Act of Security was not so fundamental as to preclude its being altered; and he gave an illustration of one way in which it had been departed from, namely, in the alteration of the law of patronage; but a more unhappy instance he could not have mentioned, for the alteration of that law had been the cause of all the calamities which had befallen the Church of Scotland. The object of the Bill was to exempt from tests persons qualified to hold professorial chairs; but there was also a provision for some exceptions. The Bill did not apply to the chairs of divinity, theology, or church history, in order that their occupants might not take advantage of their position to teach doctrines in reference to religious matters which were contrary to those of the Established Church; but were those the only chairs from which such doctrines and tenets might be instilled into the minds of the people gradually? Such was the apprehension. But might not similar apprehensions also be entertained as to the conduct of the Professors of Oriental Literature of Biblical Criticism, and Moral Philosophy? This part of the Bill appeared to him to be a direct admission of the promoters of the Bill against their own measure. But the first clause of the Bill was still more objectionable, for in endeavouring to effect the object of enabling members of the Free Church to hold these chairs, as well as members of the sister Establishment, the promoters of the Bill had taken away all tests whatever. To carry out that object, would be to allow the admission of Roman Catholics. [Mr. MONCREIFF was understood to express his dissent.] He believed that an Act of Parliament threw a doubt upon the point; but certainly, if the tests were abolished altogether, an infidel might be admitted. Persons of any or of no creed, might fill these chairs. The grounds, therefore, on which the Government thought it their duty to oppose the future progress of the Bill were—first, that it was a violation of the Treaty of Union; in the second place, that it made a material alteration, which struck at the vital and fundamental principles of our ecclesiastical institutions; and, thirdly, that according to the showing of the promoters, it was neither called for, nor required, nor shown to be expedient. In conclusion, therefore, he would ask the House whether, under these circumstances, they were prepared to say that the national educational institutions of the country should no longer maintain the national creed? If they had made up their minds upon that point, there was an end of the question; but if they had not, then he called upon them to pause and reflect before they consented to the second reading of the Bill.

MR. CHISHOLM ANSTEY said, that the hon. Baronet the Member for the University of Oxford (Sir R. Inglis) had asked whether Roman Catholics and Nonconformists would agree to send their children to Roman Catholic and Nonconformist colleges, if offices in them were held by persons of a different creed? That Roman Catholics had no objection that their children should be instructed by professors of another religion was shown by the progressive increase in the number of students at the four colleges in Ireland which the hon. Baronet had styled "godless colleges," and this, too, notwithstanding the late excitement and the opposition of the priests. And yet Roman Catholics held scarcely any of those chairs which were said to be theological by the right hon. Gentleman the Secretary of State for the Home Department, who seemed on this occasion to have borrowed his arguments from the Vatican. The hon. Baronet (Sir R. Inglis) should not, however, have asked whether Roman Catholics would have confidence in colleges endowed with their own funds, in which others than Roman Catholics held office; but whether great national institutions like the Universities of Scotland were so essentially sectarian that every chair (even the most secular) must be filled by persons holding the same faith, and whether Roman Catholics thought it just that the benefits of bodies enjoying such privileges as they did, so connected with the State, and so supported by the public funds, should be confined to a small fraction of the population. He could, however, state an instance which would show what were the feelings of Roman Catholics on this point. In a Catholic college with which he (Mr. C. Anstey) was connected, the chair of history was bestowed on Dr. Dunham, the Protestant historian of England. He admitted he was speaking of the past, and that that system was at an end; because as there were bigots in the Church of England and the Church of Scotland, there were also bigots in the Church of Rome. He would say, however, that the liberal Roman Catholics were not bound down by such blind obedience to the will of the priests in respect to education, that they were obliged to disgrace themselves by walking with them through the mire.

Mr. EWART said, he had listened with attention to the speech of the right hon. Gentleman the Secretary of State for the Home Department; but he must say he was not at all satisfied with the arguments which the right hon. Gentleman had adduced against the present Bill. The right hon. Gentleman had said that the object of the Bill was contrary to the Treaty of Union; but his (Mr. Ewart's) hon. and learned Friend the Member for Leith (Mr. Moncreiff) had shown that the Articles of Union had already been altered in several instances, and he might mention another, for the Reform Bill of 1832 was in conflict with the Articles of Union, which provided that the number of Scotch Members should be forty-five, whereas the Reform Bill increased them to fifty-three. The second point insisted on by the right hon. Gentleman the Home Secretary was, that the abolition of the tests would be an invasion of the religious safeguards and institutions of the country. But was not the abolition of the Test and Corporation Act described in similar terms? And yet the House of Commons did not hesitate to pass that measure. In the third place, the right hon. Gentleman said that the change was not required. On the contrary, he (Mr. Ewart) said that it was required, because the law was habitually violated, and it was necessary to make the law in conformity with the existing practice. But, said the right hon. Gentleman, "I admit that the strict letter of the law is violated, but that is because the parties who administer the tests (the Senatus Academicus) have a discretionary power to insist upon them or not, as they shall think fit." But was that a satisfactory state of things, to let the administration of a law rest upon the casual and uncertain opinion of the administrators, who, when a majority of them happened to be Free Churchmen, would admit Free Church professors; but when the majority happened to be composed of the old orthodox High Church party, would exclude Free Churchmen, and admit none but members of the Established Church? In his opinion a case had been made out in favour of the Bill, and he should certainly vote for the second reading of it.

Sir ARCHIBALD CAMPBELL said, he would join issue with the hon. Gentleman who had just sat down on the subject of the violation of the Treaty of the Union. The hon. Gentleman had alluded to the Reform Bill of 1832, which had added to the number of Members of Parliament for Scotland. In reply to the argument of the hon. Gentleman, he begged to remind the House that the 22nd Article of the Treaty of Union, establishing the number of Peers and Members of Parliament for Scotland, contained these words: "Until the Parliament of Great Britain shall make further provision therein." He denied also that the Treaty of Union had been broken by the Act of 1711, which altered the mode of exercising ecclesiastical patronage in Scotland. He did not find in the Treaty of Union a single word relating to patronage. With regard to the other point to which the hon. Gentleman had referred, there was a similar clause. The modifications of the Act to which the hon. Gentleman had alluded, even supposing them to be alterations, stood upon quite a different basis from that which was now proposed to be made. The Act of Security was passed in the Parliament of an independent country previous to its union with another independent country, and, therefore, any alteration made in it must be considered an infraction of the terms of that union. He believed that if this Bill were to pass that and the other House of Parliament—a result which he should deeply regret—Her Majesty would have great difficulty in giving the Royal Assent to it in consequence of its being a violation of her coronation oath. He would go further, and say that he greatly doubted whether the Judges of the Court of Session would not, if applied to, grant an interdict against the admission of any professor under the provisions of the new Act —holding, as he believed they would, that they were bound by the old law of Scotland, instead of the new law passed by the British Parliament. The hon. and learned Member for Leith (Mr. Moncreiff) had said that there was a great excitement in Scotland relative to this Bill. He wanted to know from whence the movement came which called upon them to make this alteration. If they could judge of the feelings of the country by the petitions that were presented, he did not think there was any desire for it. He begged to observe that the only petition which had come from any portion of the Free Church of Scotland—a body whose numbers and respectability entitled its opinions to the fullest consideration—had been presented by his hon. Friend the Member for Lanark (Mr. W. Lockhart), and that was from the Synod of Glasgow and Ayr against the Bill. The other petitions, he believed, had come from persons who were opposed not only to the Church Establishment in Scotland, but to the principle of Church Establishments generally; and he asked the English Members present whether they would sanction a measure which was intended to introduce a change into the Scotch Establishment to the prejudice of that Church? The Scottish Universities existed for the benefit of the whole country, and admitted pupils of all denominations; but at the same time they retained the power of imposing tests, not for the purpose of having the pupils instructed in the tenets of the Scottish Church, but in order to prevent the admission of persons who were opposed to that Church. There might be, he admitted, some modifications hereafter made, by which they would retain all the advantages of the present system, and remove what was objectionable.

Mr. HUME said, he did not rise for the purpose of replying to the speech of the hon. Gentleman who had just sat down, for he really did not think it worth attention. The hon. Gentleman had told them that if Parliament were deliberately to alter the law with regard to any of the institutions of Scotland, he did not believe the Judges of the Court of Session would carry the alteration into effect. After such an allegation as that, he (Mr. Hume) did not think it necessary to trouble himself with replying to the arguments of the hon. Gentleman. The able speech of the hon. and learned Member for Leith (Mr. Moncreiff) was, in his opinion, conclusive on this question; and he was sorry the right hon. Gentleman the Secretary of State for the Home Department had not directed his attention to that speech, and dealt with its facts. But what he (Mr. Hume) had risen principally for on the present occasion was to answer the appeal of the right hon. Gentleman as to whether Roman Catholics would send their children to Colleges where the professors did not take the tests required by Roman Catholics. In reply to that appeal, he would refer the right hon. Gentleman to the return of the attendance of students at Queen's College, Cork, from which he would find that although the professors had not taken any tests, the majority of the students were of the Roman Catholic persuasion. [Here the hon. Member quoted the figures for the years 1850-51, and 1851-52.] With respect to the present Bill, he would only say that it was the duty of the House to make the institutions of the country consistent with the wishes, the wants, and the interests of the community at large; and, believing as he did that the existence of University tests was opposed to the feelings and interest of the people, he should give the Bill his cordial support.

Sir GEORGE CLERK would remind the House that the Parliament of Scotland had adopted those stringent enactments connecting the educational institutions of Scotland with the Established Church of that country, to guard against the designs of the Jacobite party, who wished to see the exiled family restored to the Throne of Scotland. It was a great mistake to suppose that the law had been in abeyance from the time of the Union, and had only just been revived under peculiar circumstances. The Royal Commission which was appointed in 1826 to inquire into the system of education in the Scotch Universities reported in 1830 that they had found in some Universities—alluding especially to Edinburgh—that subscription to a formula was not uniformly required on the appointment of professors, but that in most of the Universities it was required; and they recommended that in future the law should be strictly enforced in all cases. That Commission was composed of persons of various religious denominations of every shade of political opinion; and yet, with the exception, he believed, of Mr. Cranstoun, the members were unanimous in recommending that the law should be uniformly enforced. Now, among the members of that Commission there was one whose name he could never mention without the highest respect, and one whose authority he thought the hon. and learned Member for Leith must always be prepared to defer to—he alluded to the late Sir James Moncreiff, one of the Lords of Session. No man was a more ardent lover of civil and religious liberty than he was; but he saw nothing of bigotry in the enforcement of the tests. He saw nothing more in it than the security of that Church of which he was one of the warmest, ablest, and most attached sons. When the Commission made that recommendation in 1830, was any dissatisfaction expressed by the people of Scotland? None at all. And yet the House would recollect that that was in days of great excitement, when every grievance, real or imaginary, was brought under the consideration of Parliament. He believed it was the wish of the people of Scotland that the tests should not be abolished, because they were the only links that connected the educational establishments of Scotland with the Established Church of that country. Unfortunately, at a more recent period a melancholy change of circumstances took place. He was sure that no man connected with Scotland would cease to deplore the secession of 1842; and it was entirely owing to the heat engendered by that secession that the agitation for the repeal of the tests had been commenced. He was not prepared to justify all that was done or said at that time on either side of the controversy; but he was sure that the House could hardly be surprised at the attitude of self-defence which was assumed by the Church of Scotland when they were informed that that Church was denounced by some of the highest and gravest authorities of the Free Church as a "moral nuisance," which they were determined to overturn. He (Sir G. Clerk) regretted extremely that any of the Presbyteries of the Church of Scotland should have been induced to take proceedings against a man of such eminence, for instance, as Sir David Brewster, and no one more rejoiced than he did when those proceedings were terminated; but he thought that, after all, those proceedings were little to be wondered at, after the violent language to which he had referred. It was under the strong feelings which existed at that time that the right hon. Gentleman then Member for Perth (now Lord Panmure) brought forward the first Motion in that House for the abolition of the tests. He rejoiced to think that those angry feelings to which he had referred had now greatly subsided; but still he must contend that no case had been made out to justify the House in severing the connexion between the Church and the Universities of Scotland, as the Bill of the hon. and learned Member for Leith, if adopted, would do. He believed that no case of real grievance had been made out against the existing system. He did not think that the declaration that the *Confession of Faith* of the Church of Scotland was the confession of his faith, and that he would do nothing to weaken or injure the Establishment, was one which could not be taken by any conscientious member of the Church of England. Many of them, indeed, had taken it, and of the number who had done so he need only mention the names of Sir D. Sandford and Mr. Lushington, of the University of Glasgow. He begged hon. Members connected with England to observe that this was the first step in advance. The House had been told that no tests were required from the students attending the Universities of Scotland—that they did not live in the Colleges as did the students in the two English Universities, under the immediate superintendence and control of the professors and heads of Colleges. The Universities of Scotland were open to all classes of religionists, and he was glad that they were so. He rejoiced to be able to state that when he attended the University of Edinburgh, he was intimately acquainted with several Roman Catholics, who having been unfortunately prevented from attending English Universities, had availed themselves of the benefit of the Universities of Scotland. But it was one thing to admit students to the Universities without a profession of faith, and another and very different thing to admit the instructors and teachers of those students without a declaration of their religious belief. He trusted that whatever differences of opinion might exist on minor points, the instruction of the youth of Scotland would never be intrusted to persons who were not prepared to subscribe their belief in the great doctrines of the Christian faith. If that were the case, it would be the commencement of a vast change, not only in the educational system of Scotland, but also in that of England; because they might depend upon it that if they broke down the outworks which at present guarded the Universities of Scotland, they would very soon find it impossible to maintain that strict adherence to the Established Church of their own country which now distinguished the English Universities. This was only part of a system which, commenced in Scotland, would soon be extended to England; and if the House recognised the principle of this measure, it would very shortly be applied not only to university education, but sooner or later to the primary schools. They had now a system of parochial schools in Scotland, from which that country had derived the greatest benefit; but if they broke off all connexion between the teachers of those schools and the Universities and the Church as established by law in Scotland, they would soon dissever all connexion between the institutions of that country and its Established Church. To the Universities and parochial schools, they were indebted for the proud position they at present were enabled to hold; but if they broke down that system, depend upon it that shortly they would introduce such a latitudinarian system as would be most mischievous, and they would create a principle of no subjection that would prove most destructive. Indeed he thought that no strong case had been made out for the measure, and he believed it never would have been brought forward but for the unfortunate heats occasioned by what was called the disruption of the Scotch Church in 1842. He was most anxious to preserve intact that connexion between the Universities of Scotland and the Established Church of that country, which, he thought, was absolutely necessary both for the welfare of the people themselves, and for the character of the Universities. He wished to say one word with regard to the appointment of the professors in the Scotch Universities. All the most important professorships in the University of Edinburgh were in the gift of the corporation of that city; and he was bound to say that the corporation had been most anxious, in the administration of that patronage, to bestow office upon individuals whom they thought best qualified to maintain the high character of the University. At present, however they could not choose dissenters or seceders from the Established Church; but, if that restriction was once removed, the corporation, most of whom dissented from the Established Church, would very naturally select persons as professors who were opposed to the Established Church. Now, at the time the English corporations were reformed, it was provided that, as the new corporations were likely to include many Dissenters, they should part with their church patronage at once; and, if the House was prepared to adopt the principle of this Bill, it must go a great deal further, and take care that the patronage of the Universities was not allowed to remain in the hands of those who might be the strongest enemies of the Established Church of Scotland. He might observe that the late Government had declined to bring forward any measure on this subject, because they felt the inconvenience of agitating the question, and were satisfied with the existing state of the law. Upon these grounds he must oppose the second reading of the Bill.

LORD JOHN RUSSELL said, he was surprised at the observation of the right hon. Baronet (Sir G. Clerk), that no case had been made out for interference; for he must say that he thought a more complete and convincing argument than that of the hon. and learned Member for Leith (Mr. Moncreiff) he had never heard. For his part, he thought it was so full and complete that if all the Members then in the House were present at the time that statement was made, he should hardly have said a word, and even now he should trespass upon the House but a very short time. The right hon. Baronet had alluded to a fact which he seemed to think ought to have great influence with the House—namely, that the Commissioners appointed to inquire with respect to the Scotch Universities had recommended that the tests should be enforced, and that among those Commissioners was the late Sir James Moncreiff. But the case upon which a practical grievance arose had occurred since the time when those Commissioners reported; and he believed that Sir James Moncreiff himself would have been excluded from office in the Universities by the very test now in operation in Scotland. It was true that the tests were reqnired by the existing law of Scotland, and such being the case, he considered that they ought to be enforced; but it had been urged that this was a law which was not obeyed, which was constantly violated, and the House was asked what was the need of repealing a law which was so systematically broken? He had been surprised to hear the right hon. Home Secretary say that this was a convenient state of things, when a relaxation of the law depended upon the authorities of the Universities. The case of a gentleman had been mentioned who had lately been appointed to a Professorship at Edinburgh, but who did not choose to take the test—who would not declare that his belief was in consonance with the *Confession of Faith,* and that he conformed to the worship of the Church of Scotland as it at present existed. Well, what was the way out of this difficulty? Was this gentleman told that he was not a Professor—that he was not to teach Greek, which he was so well qualified to do? Not at all. The Senatus Academicus did not choose to apply the law. They had had in that House the case of a Member who came to the table and proposed to take the oaths in a certain manner; and he (Lord John Russell) thought there was no point upon which the right hon. Home Secretary and himself were more agreed than this—that it was not fitting that that House should take upon itself to lay down what should be the interpretation of the law, and should take the law into its own hands, as it were, by deciding whether the oaths had been taken or not. But this was just the course taken by the Universities. If they thought fit to dispense with the law, it had no practical operation whatever; but if they thought fit to enforce the law against any particular persons, or against any one man, from feelings of intolerance, or it might be from caprice or resentment, the test was brought into operation. He would ask, was this a state of the law which ought to be continued? It must be observed that those against whom the law operated were the very persons against whom it was never intended to operate. It had been shown that the intention of the law was to exclude Episcopalians; but it was admitted that there was no difficulty in the admission of Episcopalians, while Presbyterians, fully concurring in the *Confession of Faith,* were excluded by the operation of the test. The law operated, then, for the admission of those whom it was intended to exclude, and for the exclusion of those whom it was intended to admit. The hon. Baronet the Member for the University of Oxford said that he was satisfied if the law, being meant to exclude, excluded any one at all. The law was meant to exclude Episcopalians; but by the present working of it, members of the Presbyterian Church were excluded; and the argument was, that so long as the law existed, it ought to exclude somebody. He (Lord John Russell) did not agree in that opinion. He thought that if the object the law was intended to effect was not attained, it would be much better to repeal it. The right hon. Baronet (Sir G. Clerk) had said that this Bill would be a step in advance, and that, if they adopted the measure, they must take some step with regard to the English Universities. Now, he asked the right hon. Baronet how he reconciled that opinion with the statement he had made, that at present the students in the Scotch Universities might be Episcopalians, Roman Catholics, or of any other faith? The right hon. Baronet said he was rejoiced that there was so much liberality. But, surely, if it was a matter of so much rejoicing to the right hon. Baronet that the students were not obliged to profess any particular faith, it did seem rather extraordinary to require the professors to declare their adhesion to a faith to which the students did not belong. He owned that this appeared to him to be a state of the law so anomalous and absurd, that the sooner they got rid of it the better. If it had not been brought under the notice of the House, they might have left such an anomaly to exist; but as it was otherwise, and as the effect of the law was to exclude those persons who belonged to the Free Church of Scotland, while it did not exclude others, he owned he thought it desirable that they should put an end to such a mark of intolerance. He could not see why a person might not be allowed to teach Greek or Hebrew in the Scotch Universities without subscribing the *Confession of Faith.* The right hon. Home Secretary had truly said, that many of the sciences taught by the professors were connected with religion. That was an argument he had seen stated on the part of the Pope with respect to the Irish Colleges; but it was an argument he did not think of any great value. He would, therefore, give his support to the Bill.

MR. CUMMING BRUCE said, that no practical inconvenience arose from the existence of those tests, was clearly proved by the circumstance that persons were from time to time elected to the highest offices in the Scotch Universities, who were not called upon to subscribe to them; and a memorable example of that was found in the case of the late Sir Robert Peel on his election to the rectorship of the University of Glasgow. Sir Robert Peel knew well he might be called on to take that test, and he must also have been perfectly well aware of the state of the law on the subject; yet he did not hesitate to accept the high honour which that University conferred on him. The cases mentioned by the hon. and learned Member for Leith (Mr. Moncreiff) had been accounted for by the right hon. Member for Dover (Sir G. Clerk) as a consequence of the irritation and angry feeling which existed in Scotland immediately after the disruption which took place a few years ago in the Scotch Church, and the violence displayed by the seceding members against that Church. These feelings had now, however, happily passed away, and such cases as those which had been referred to were not likely to arise again. He was convinced that no practical inconvenience had been occasioned by the present system, and only two cases of grievance had been mentioned during the discussion; therefore, he felt that he was called upon to offer his most decided opposition to the further progress of the Bill. If one thing more than another was deeply impressed on the minds of the people of Scotland, it was the conviction that religion should not be separated from education. The present measure he regarded as an attempt by certain parties to effect the separation; and the people of Scotland were determined that such a system should not be introduced. The system of parochial education in that country, for which they were indebted to the Scottish Church, was based upon the union of religion with education, and the people entertained a grateful recollection of the benefits they had derived from it. On this account, therefore, he trusted the House would not sanction a measure which was universally opposed by the clergy of the Church of Scotland, who he believed fairly represented the opinions of the parishioners over whom they presided; for it was a noteworthy fact, that out of a population of 3,000,000 in Scotland, there were only about 4,000 who had petitioned in favour of the Bill now before the House—a number utterly contemptible if taken as affording any indication of a popular desire on the subject. But he looked upon the Bill, not only as an attempt to get in the thin end of the wedge for separating religion from education in Scotland, but also as an attempt to separate religion from the State, and in fact to put an end to all Church Establishments whatever. He did not wish for one moment to underrate the great benefits to be derived from an intellectual education; but he believed that the opinion of the Scottish people was that education should include, not merely the improvement of the intellect, but the culture of the soul. Believing, then, that they were bound to resist every effort to separate religion from the education of the people, he should give his most cordial opposition to the Bill.

Mr. OSWALD said, he quite agreed with his hon. Friend who had just sat down that this was a momentous subject. But it was because the House neglected the crisis of 1843, that they now had in Scotland the Free Church, which had taken from the Established Church one-half the people of the country; he, therefore, did not for a moment doubt that the subject was a momentous one, and one which called on that House for a most deliberate discussion. He confessed when he came down to the House, he was by no means decided as to the course he should take; but he must say that, after listening to the arguments of hon. Members on the Treasury bench, he had been totally unable to find in their arguments a reason for rejecting this Bill. The right hon. Gentleman the Secretary of State for the Home Department had urged two reasons for rejecting the Bill: one, that it was a violation of the Act of Union; and the other, that it would endanger the established religion of Scotland. He (Mr. Oswald) was not, like the right hon. Gentleman, a lawyer; but he could not help saying, he thought that every atom of that ground was cut from under the right hon. Gentleman's feet by the speech of the late Lord Advocate (Mr. Moncreiff), who had brought to the discussion of this subject abilities so striking and pre-eminent. With regard to the Act of Union, he had in private brought the question under the notice of persons who had since risen to the most exalted stations in Scotland, and the answer he had received from them had uniformly been that the Act of Union must never interfere with anything that was for the welfare of the people of Scotland; and indeed the very words of that Act told them as much. English Members, no doubt, very much misunderstood the meaning of the word "University" as applied to Scotland, and thought that the Universities of Scotland bore some analogy to those of England. There was, however, scarcely a single point in which such analogy could be established. The Universities of Scotland were neither more nor less than Colleges similar to those which had been lately established in Ireland. They were mere lecture-rooms; there was no parental—no tutorial system connected with them; and there was no provision for the religious training of the students. The Commissioners upon the Universities and Colleges of Scotland stated, in their Report, that in some cases the students were assembled on Sunday, and, with the professors, went to a place of worship provided for them; that in some of the Universities the arrangements for this purpose were then altogether inadequate; that in Edinburgh, and at Marischal College, Aberdeen, the University authorities had ceased to take any measures to ascertain whether divine service was attended by the students or not. The Commissioners suggested that, in cases where the arrangements for the purpose were deficient, a College chapel should be provided for the students, or at least special accommodation for them in the parish church. Notwithstanding statements like that, hon. Members were still told that if they abrogated the system of tests at those Universities, they would take from the people of Scotland the only guarantee they had for the purity of their faith. Had they any longer that guarantee at all? Nay more—had they any right to ask for it with respect to their Universities? They brought from every part of the world persons of every possible religious denomination to be educated there; and if they did that, could they enforce on the professors what everybody admitted they could not enforce on the students? If he might be permitted to use a homely proverb on this subject, he would say that what was sauce for the goose was surely sauce for the gander. The hon. Gentleman who spoke last seemed to apprehend that this Bill might lead to the separation of religion from the State. But that would be a matter which could not be settled in that House, but by the people of Scotland themselves. He (Mr. Oswald) should have been glad if, instead of a Bill brought in simply to abolish those tests, the Crown had been moved to appoint a new Commission, with a view thoroughly and completely to sift the state of those Universities, very much altered as they had been by the circumstances that occurred in 1843. When he looked at the Report to which he had referred, he was tempted to ask if that House was a great manufactory of waste paper. He would not refer to the eminent men by whom that Report was drawn up; but he should like to know what portion of it had been acted upon? Nay more, he would venture to ask the right hon. Secretary for the Home Department if he had read and considered that Report? He felt perfectly convinced the right hon. Gentleman had not, because if he had, knowing his candour and abilities, he (Mr. Oswald) felt certain he would not have based the opposition he had given to the Bill on the grounds which he had selected. The hon. Member opposite (Mr. C. Bruce) said there were only two cases in which any grievance existed; but he forgot to state that those grievances referred to every conscientious member of the Free Church, and of every dissenting sect in Scotland. He (Mr. Oswald) would challenge any man who had read the Articles of the English Church, to say whether it was not impossible for the same man to sign those Articles, and also to sign the *Confession of Faith*, without subscribing to doctrines diametrically opposed to one another? He knew that it had been done, and he knew what subterfuges men would sometimes resort to when they had to reconcile their consciences to the receipt of a good salary. Now, let there be no mistake. Religious parties in this country now understood each other better than they formerly did. He respected what the Free Church had done in Scotland; but don't let Members come down to that House and say they might sign all these things; for if they did sign in both cases, then in one case they subscribed to a doctrine which they did not believe. If the Crown had said they would issue a new Commission, he should not have voted for this Bill; but that not being so, he would take the only course that was left to him, and vote for the abrogation of a grievance which apparently the Government knew no other way of abolishing.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 157; Noes 172: Majority 15.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt.hon. Sir F. T.
Bass, M. T.
Bell, J.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Bunbury, E. H.
Campbell, hon. W.

Clay, J.
Clay, Sir W.
Cobden, R.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Euston, Earl of
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, E.
Henry, A.
Heywood, J.
Heywood, L.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Howard, Sir R.
Hume, J.
Humphery, Ald.
Hutt, W.
Jackson, W.
Johnstone, J.
Keogh, W.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Lewis, G. C.
Locke, J.
M'Cullagh, W. T.
M'Gregor, J.
Matheson, Col.
Melgund, Visct.
Milligan, R.
Milnes, R. M.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
Murphy, F. S.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ord, W.
Oswald, A.
Owen, Sir J.
Pechell, Sir G. B.
Peel, F.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pilkington, J.
Pusey, P.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scully, V.
Seymour, H. D.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanton, W. H.
Strutt, rt. hon. E.
Stuart, Lord J.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Tufnell, rt. hon. H.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Watkins, C. L.
Wegg-Prosser, F. R.
Westhead, J. P. B.
Williams, J.
Williams, W.
Willoughby, Sir H.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Moncreiff, J.
Craig, Sir W. G.

List of the NOES.

Adderley, C. B.
Arbuthnot, hon. H.
Arkwright, G.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Benbow, J.
Bennet, P.
Beresford, rt. hon. W.
Bernard, Visct.
Best, J.
Blair, S.
Blandford, Marq. of
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Cabbell, B. B.
Campbell, Sir A. I.
Carew, W. H. P.
Chandos, Marq. of
Child, S.
Christopher, rt. hon. R.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Coles, H. B.
Collins, T.
Conolly, T.
Cotton, hon. W. H. S.
Cubitt, Ald.
Currie, H.
Davies, D. A. S.
Deedes, W.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Goddard, A. L.
Gooch, Sir E. S.
Gore, W. R. O.
Granby, Marq. of
Greene, T.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Heneage, G. H. W.
Henley, rt. J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Knox, Col.
Knox, hon. W. S.
Lacy, H. C.
Langton, W. H. P. G.
Lascelles, hon. E.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Mure, Col.
Naas, Lord
Napier, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, R.
Portal, M.
Prime, R.
Pugh, D.
Reid, Gen.
Repton, G. W. J.
Richards, R.
Rushout, Capt.

Sandars, G.
Sibthorp, Col.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stansfield, W. R. C.
Stuart, J.
Sturt, H. G.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Welby, G. E.
Whiteside, J.
Wigram, L. T.
Yorke, hon. E. T.

TELLERS.
Scott, F.
Forbes, W.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

COLONIAL BISHOPS BILL.

Order for Second Reading read.

MR. GLADSTONE presented a petition from the Bishop of Cape Town, and another from the Committee for promoting the Canterbury Settlement in New Zealand, in favour of this Bill.

SIR JOHN PAKINGTON said, as it was impossible to overrate the importance of this subject, and as no doubt the right hon. Gentleman would occupy a considerable time in addressing the House upon it, which would render it impossible for him (Sir J. Pakington) at that hour (5 o'clock) to make any reply, some considerable time would elapse after the right hon. Gentleman's speech had been given to the public through the ordinary channels, before the debate could be resumed: he had, therefore, to ask the right hon. Gentleman whether, under those circumstances, it would not be desirable to postpone the Motion for the second reading until a future day?

MR. GLADSTONE said, he should be very reluctant to decline acceding to any request that appeared reasonable; but at the same time he should be glad to have an opportunity of stating the purport of the Bill before the House rose. If his right hon. Friend (Sir J. Pakington) was in a position to give him any specific promise that an early day would be assigned for proceeding with the Bill, undoubtedly he (Mr. Gladstone) would comply with his request; but he was not prepared to ask the right hon. Gentleman to do that in the present circumstances of the Session. The Bill was not one involving party considerations; and he trusted the opinion of the House would be that he had better then make his statement, and then leave it to their judgment.

MR. HORSMAN said, he had only to submit that it would be matter of considerable public inconvenience, if the statement which the right hon. Gentleman was about to make should go forth without the possibility of there being any reply from the other side of the House. [*Cries of* "Order!"]

MR. GLADSTONE: I shall endeavour, Sir, to make my statement without unnecessarily detaining the House, and with as much brevity as is consistent with the importance and the comparative novelty of the subject I am about to bring under its attention. Now, I am anxious, before I say anything else, to define in the clearest and the most explicit terms the object of the Bill which I have obtained leave to introduce, and of which I now rise to move the second reading. The object of that Bill is, that in the colonies which are included in the schedule attached to it, and in such other colonies as Her Majesty by an Order in Council shall think fit to declare, what is called the Church of England in the Colonies—I say what is called in the colonies the Church of England, because I am not sure whether that is the precise legal definition or not—shall be put in a condition of managing on a footing of perfect equality its own ecclesiastical affairs—that is to say, that it shall be put upon a footing of equality with those unprivileged and unestablished denominations of religion which at present enjoy in that respect a great advantage over it, of which I trust nothing will be done to deprive them. But when I say such is the object of the Bill, I ought to add that I propose that this freedom should be enjoyed, subject to such restraint as Parliament should think fit to impose. I entirely and freely grant that in prescribing the relations of the bishops, clergy, and laity, in the colonies to the Established Church and the legal system at home, it is right that the entire religious freedom which I should otherwise think it fair to grant them, should be limited in certain particulars. What those particulars are to be is a matter of much importance, and requiring grave consideration. I have inserted in this Bill clauses which I believe would keep in existence and in operation every practical restraint, without a single exception—every practical restraint of a legal character which is at present operating on the churches in the colonies. At the same time, I am not so vain as to hope that, in regard to matters of that kind, I have succeeded in finding the very best arrangements that are practicable; and I wish to invite the attention of this House, and especially of the legal Members in the House, to the subject, because any Gentleman, be he who he may, be his party what it may, and be his object what it may, may contribute to the attainment of the object of this Bill—namely, the establishing the principle of religious equality in the colonies affected by it, subject only to such restraints as Parliament may think fit and necessary; and any such Gentleman will not only receive from me a fair and just consideration for what he may suggest, but also my warm and grateful acknowledgments, because I am bound to say that we are to consider how this Bill will present itself to the various classes and communities who may be affected by its provisions. It is consolatory for me to know that in submitting this Bill to the notice of the House, I am proposing one which I think trenches upon no rights whatever, and one which, when well understood, will excite but little prejudice and apprehension. In the first place, it in no respect trenches upon the rights of the Colonial authorities. I have myself endeavoured to examine the question with legal aid, whether it would be proper to save those rights by express words; I apprehend that will be unnecessary, but that might be a subject for future consideration, as the Bill provides that any regulation which may be made by these religious communities shall stand simply upon the footing of voluntary obedience, and enjoy no other force than that which appertains to the rules or regulations of other religious communities. The Bill does not land us upon any of those painful questions in which we sometimes find ourselves unwarily involved when our feelings are aroused upon subjects connected with the various reciprocal rights of the bishops, the clergy, or the laity. I do not know how it is that the words "Colonial bishops" have unfortunately been printed in the Bill, for the Bill certainly has no relation with Colonial bishops as apart from other members of their religious communion. The principle upon which the Bill proceeds is that which I am happy to see is daily gaining strength, favour, and currency in this country, namely, that of leaving the Colonies—subject to any restraints needful upon Imperial grounds—to the uncontrolled management of their own local affairs, whether it be for ecclesiastical or for civil purposes. Again, as regards the religious opinions of others, the very last object which I could entertain would be to trench in any degree upon the religious liberty of members of other communions. For I frankly state, in the face of the House of Commons, that if any man offers me for the Church of England in the Colonies the boon of civil preference, I would reject that boon not necessarily as ill-intended or ill-minded, but undoubtedly as a fatal gift, because I am convinced that any such preference would be nothing but a source of weakness to the Church herself, and of discord and difficulty to the Colonial communities, in the soil of which I am anxious to see the Church of England take a free, strong, and healthy root. I am bound to say if there be a class of persons in this House to whom I am bound to make an appeal on the introduction of the Bill, and whose support I must ask for with less confidence, and subject to more reserve than others, it is that respectable class of persons of whom I may consider my hon. Friend near me (Sir R. Inglis) as a type—those who, in their deep attachment to the civil establishment of religion in this country, are unwilling to permit or to entertain in any form any proposal which in the remotest and most indirect manner, even by giving sanction to other systems elsewhere under different circumstances, may seem to raise a question with respect to the integrity and permanence of those principles. I must not attempt to disguise from the House that the principle upon which I ask the House to proceed with reference to this Bill, is that of religious equality. If I am asked how I can justify such a course with my duties to a constituency formed in great part of the clergy of the Established Church, I say at once that it is my paramount duty to promote, by every means in my power, the interests of that religious system to which they belong; and I feel convinced, after not a brief study of Colonial affairs, that I should be taking a course detrimental and ruinous to those interests if I were to refrain from recognising, or hesitate to recognise, any measure for the Church of England in the Colonies which had not for its basis the principle of perfect religious equality as the principle of Colonial legislation. I must now call the attention of the House to a testimony upon this subject which will strike strangely upon the ears of some. It is one of those declarations of which we ought to take notice, as marking an epoch in the political existence of these societies. It is one to which Gentlemen in this House stand more nearly related than they possibly are aware. Sir, I hold in my hand a copy of an Act of the Legislature of Canada, presented to Parliament pursuant to 3rd and 4th Victoria, which has been passed in that colony for the purpose of disendowing certain Rectories of the Church in that province. Let hon. Gentlemen who perhaps dreamed that the Church of England might in the Colonies be organised on the footing of a legalised establishment, observe the remarkable words which the Preamble of this Act contains. It begins—and it is evident the Parliament of Canada intended to call special attention to this :—

> "Whereas, the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation; and whereas in the state and condition of this province, to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognising and declaring the same as a fundamental principle of our civil polity; be it therefore declared and enacted;"—

and so forth. Gentlemen might think this was only the proceeding of one of those comparatively miniature Legislatures with which we have nothing to do. The case is far otherwise. When the constitutional system of Canada was established in 1791—when it was renovated and re-established by the noble Lord (Lord J. Russell) in 1840, Parliament was not content to leave the religious policy of Canada to be dealt with as a matter affecting Canada alone, but you provided that when the Parliament of Canada passed an Act affecting or altering the religion of the Colony or the policy of the Colony, that Act must be laid upon the table of both Houses of Parliament for forty days before the Crown gave its assent to such measure. According to this provision the Crown might withhold its assent, or the bishops in the House of Lords might call attention to the Act, or the House of Commons might address the Crown with reference to it, and the Act would fall to the ground. What is the case, then, with respect to the Act to which I have referred? Every Member of this House has had a copy of the Act placed in his hands, that he might judge whether he would recognise the principle of religious equality for a colony with 2,000,000 of inhabitants, and has involved himself in the recognition of the principle which that Act contains. For this Act was ordered by us to be printed on the 13th of February; I am now addressing you on the 28th of April, and the forty days have therefore gone by. I am not aware what course has been adopted with respect to this Act; but in all probability the right hon. Secretary of State has advised the Crown to give its assent to it. Whether this be so or not, I do not know; what I wish is to establish in the face of the country, in order to get rid of all misunderstanding, that by an Act of the Parliament of Canada, with the assent of the House of Lords and House of Commons of England, the principle of religious equality has been declared and established in the most emphatic form, as a rule which is henceforth to govern legislation in that colony. And here I would make an appeal to the hon. Gentleman whom I have supposed to be so anxious upon this subject of determining Colonial matters by English rules. Let us, I say, judge of Colonial questions upon their own grounds, and English questions upon their own grounds; but do not let us be deterred from doing that which is just to the Colonies, and acceptable to the Colonial people, and demanded by them, because we may be told that we shall be some day called upon to do the same in England as we have done in the Colonies. Depend upon it, that what is just when applied to the Colonies, can never be made a precedent or apology for doing injustice in England. Having, then, parted entirely with the power of enforcing the principle of civil establishment of the Church in the Colonies, I hope, upon that ground alone, apart from my convictions as to what the interests of the Church requires, that the disinclination of hon. Gentlemen may be overcome, and that they will consent to join in an endeavour to adjust and construct for this new state of things a system which, whether best in the abstract or not, is the only thing which the circumstances admit of. I have stated that the object of the Bill is to establish the principle of religious equality, by applying that principle on the part of the bishops, clergy, and laity in communion with the Church of England in the Colonies, subject to such restraints as Parliament may in its wisdom think fit to impose; and I hope I have made it so perfectly clear, in disavowing and disclaiming the gift, if offered, of civil preference, that it is not necessary for me to say more upon the subject, except to invite hon. Members to assist me in excluding from the measure which I have to propose, any provisions which could tend in the slightest degree to a departure from that principle of religious equality. In the year 1850 I ventured to introduce the subject of this Bill for the first time to the notice of the House of Commons. One of the great arguments in support of that Bill was the fact that the state of the law, as it affects the Church in the Colonies, was in a state of almost as hopeless doubt and uncertainty, and so entangled and confused as to render it impossible to make it of any avail for the purposes for which it was required. The principal objection made to the measure on its first proposal was, that it was a subject which ought to be dealt with by ecclesiastical legislation, and not as a portion of a Bill for remodelling the civil institutions of certain Colonies: that objection, however, does not apply to the present Bill. A second objection was, that the application of the remedy was but partial—that it touched the Australian Colonies only, and placed them upon a statutory footing different from the others. I have met that objection in the Bill which I now submit to the House, by making it applicable to all the Colonies to which the Executive may think fit to extend it. Another objection was, that there was then but little evidence, if they adopted the measure, that they should be acting in concurrence with the wishes of the parties most immediately affected: upon that subject I shall presently show to the House that no doubt can at present exist as to the opinion of the bishops, the clergy, and the laity of the Colonies on the subject. A further objection was also urged, to the effect that a formal inquiry ought to be instituted to discover whether those objections existed which it was the professed object of the Bill to remove: an inquiry on such a subject is now, however, no longer necessary. Considerable doubt, Sir, exists as to the effect of the existing laws on synodical action in the Colonies. I have heard it stated by able lawyers that the Statute permitting the assembling of synods and of passing of canons does not apply to the Colonies. Some able lawyers have, however, expressed a different opinion; however the case may be, the practical consequence is, that no body of men in the Colonies will go to work to construct an elaborate system of self-regulation by means of synodical or other similar action, without being perfectly assured that they are not at least offending against the laws of the land by so doing. Speaking with that reserve and humility with which every man not of the legal profession ought to speak when he attempts to describe the condition of the law, I venture to say that the ecclesiastical laws of England do not practically attach to the Colonies; and in saying this I express no opinion upon the abstract question of whether they do or do not in theory. As a proof of the correctness of my opinion, I may state that you have no Ecclesiastical Courts whatever in the Colonies. I know I may be met by saying, "Let us introduce them;" but I hope that no man will be found who would venture seriously to propose such a thing. It would be perfectly absurd to do so. When I speak of Ecclesiastical Courts, I refer of course to Courts armed with the authority of the law, and possessing the power of Courts of Law. Certain bishops, I do not say from an undue love of power, but from the difficulty of finding a mode of managing their own affairs, have tried to introduce these Courts. Some time since, I believe, the Bishop of Tasmania came over to this country to see if he could get Ecclesiastical Courts established in the Colony with which he was connected, and his visit led to a most curious discovery. Objections were taken by the Dissenters to the establishment of the Court in the Colony, on the ground that it would not be consistent with that footing of religious equality which prevailed there, and that they would be subjected to be cited before the Bishop's Court; they also objected to validity being given to the judgments of the bishop, beyond that which might be given to them by the free will of the Colonists. Entertaining these objections, they were led to look into the patent of the bishop, and they found that the patent gave him the power to erect these Courts, to cite witnesses, commit for contempt, and such other things as Courts of the kind had the power to do. Not satisfied, however, with this, they raised the question of the legality of the patent; and the opinion of the law officers of the Crown, after mature deliberation, was, that the patent pretending to confer a power to do that which the Crown could not exercise, was an illegal instrument. I do not say there is no ecclesiastical power in the Colonies, but I am anxious the House should understand of what kind it is. I do not found my opinion on the allegation that the power of the bishop ought to be increased as distinguished from the other orders. On the contrary, there are points on which the power of the bishops in the Colonies might be safely and wisely subjected to restraint. You have in this country two kinds of ecclesiastical power—

one, which is a strictly legal system, and which takes effect through the established Courts; and you have an arbitrary system, which does not take effect through the medium of the Courts, but which are merely personal judgments of ecclesiastical officers. The legal system remains at home, and does not migrate to the Colonies. In the Colonies, however, there is an ecclesiastical power of a certain kind exercised by the bishop over the clergy and the laity; I mean the bishop's ordaining and licensing power, and other matters of that kind. In this country presbyters are protected against the undue aggression of a bishop by the whole structure of the law, which recognises the legal status of parochial incumbents. In the Colonies, speaking generally, there are no parochial incumbents; the clergy there who have the cure of souls are under the bishop in the same sense almost as stipendiary curates in this country. They practically have no defence against the bishop of the diocese, if he were disposed to make a hasty or arbitrary use of his power. The bishops have, it is true, a power—I do not say whether too much or too little; but, at all events, it is a bad kind of power with which they are invested in the Colonies. What, therefore, I call upon the House to do is to assist me in enabling Parliament to place the law upon such a footing that those parties may frame regulations for themselves, and adjust in any manner satisfactory to themselves the ecclesiastical relations with each other. It is said by some persons that if the bishop withdraws a licence, the clergyman in the Colonies has an appeal to the Archbishop at home. Whether or not that appeal exists is a matter of doubt; but certainly if it does, I must confess that it is anything but a sufficient remedy. When a clergyman in Australia feels that his status is insecure, and that he may be deprived of his licence and the means of his livelihood by the arbitrary act of an individual, it is not a sufficient answer to tell him that he has only to travel 16,000 miles to England, and that he will find there a prelate who will be ready to hear his case. To say nothing of the difficulties of obtaining the appeal, it is, after all, when obtained, only another personal judgment. A clergyman having a cure of souls ought to have fixed and stable rights, of which he cannot be deprived without full and fair investigation and trial. But there is some doubt whether even this power of appeal to the Archbishop exists at all, as in some of the patents of the Colonial bishops it is not even mentioned. Some time since there was the case of the Rev. Mr. Wigmore, who was a chaplain in Van Diemen's Land. His licence was withdrawn. He applied to the local Courts of Law, and was informed by them that they could give him no redress. Mr. Wigmore then came the 16,000 miles, to the late Archbishop of Canterbury, who, when he looked into the matter, was obliged to report that he had no power whatever, because no process existed, nothing upon which an appeal could be founded, and that he had no power to interfere. Mr. Wigmore consequently returned to Australia, without obtaining redress, and the law consequently remained a nullity for him. Again, there is the case of the Rev. Mr. Bateman, a clergyman in Australia, who addressed a letter to me on the 25th of February last, in which he states that he perceives by the public journals that I am about to bring in a Bill on the subject, and requests me to insert a clause in the Bill to confirm him in his incumbency. That is a request which I have no doubt the House will agree with me cannot be entertained. But what is the gravamen of his case? He states that he has been put out of his incumbency by the bishop without having had a fair hearing. I cannot say whether in the case of Mr. Bateman or Mr. Wigmore they were right or wrong; but this I say, that no man has a right to take away the means of livelihood of another without giving him an opportunity of a full and impartial hearing of his case. I know it is said, and I am happy to hear it, that a great degree of harmony prevails between the bishops and clergy and laymen in the Colonies. That, however, may not and cannot always exist; there must be exceptions, there are exceptions. Good feeling is a very good substitute for law, where there is no other substitute; but you require some other substitute, and I now ask the House to consider with me what that substitute should be. With respect to the laymen, at present they have no appeal whatever in the Colonies; and I do not believe that in the case of any withholding of the offices of the Church upon any frivolous ground, or upon no ground at all, any man can point out any mode, as matters now exist, by which he may obtain a remedy. Their state is a state of anarchy, tempered only by that good feeling and good sense which, in the main, is manifested in the conduct of these communities. With respect to the disposition of the Colonists on this subject, I grant that two years ago the subject was put before the members of the Church in the Colonies very imperfectly. I do not need to deal in generalities any longer when I venture to urge on the House that such a measure is necessary. The question is not a new question to-day. But what are the wishes of the Colonies on the subject? There are thirteen dioceses to which I propose to apply the provisions of the Bill; and I will now show you, by the most conclusive evidence, what are the feelings of the members of the Church of England in those Colonial dioceses on the subject. They recognise the fact of their position—they disclaim and repudiate all idea of civil preference—they smart under the practical grievance of the want of settling their own affairs by their own means, and their own private suits—and they desire to walk only in the very course in which it is the object of this Bill to permit and authorise them to walk. In the first place, then, with respect to the bishops. There are thirteen bishops of dioceses affected by this Bill. I will show what are the sentiments of twelve of them; the thirteenth is the Bishop of Nova Scotia, who has only very recently arrived in his diocese; his parent has, however, informed me, that his son was in favour of the objects contemplated by this Bill. Now, a short time since, five of these bishops met at Sydney to consider a variety of matters, and among other things the regulation of the religious affairs of the Church in the Colony, and they came to this resolution:—

> "We, the undersigned Metropolitan and Bishops of the province of Australasia, in consequence of doubts existing how far we are inhibited by the Queen's supremacy from exercising the powers of an ecclesiastical synod, resolve not to exercise such powers on the present occasion. But we desire to consult together upon the various difficulties in which we are at present placed by the doubtful application to the Church in this province of the Ecclesiastical Laws which are now in force in England, and to suggest such measures as may seem to be most suitable for removing our present embarrassments."

They go on in a subsequent portion of the document to declare their wish to call together their clergy and lay members, but they likewise inform you that they are prevented from doing so by the uncertainty with respect to the state of the law, and their not knowing whether they might not be committing a legal offence. Five more of the colonial bishops, namely, those of North America, have also expressed their opinion on the subject. The proposal which I made in 1850, had no direct reference to North America; but in every one of the colonial dioceses the question has been taken up. Five of the North American colonial bishops, representing the whole of Canada, have met together, and they state that—

> "In consequence of the anomalous state of the Church of England in these colonies with reference to its general government, and the doubts entertained as to its validity of any code of Ecclesiastical Law, the bishops of these dioceses experience great difficulty in acting in accordance with their episcopal commission and prerogatives; and their decisions are liable to misconstruction, as if emanating from their individual will, and not from the general body of the Church."

They illustrate the state of things to which I have referred with respect to the arbitrary power which they possess, and state, that so far from its being a source of power to them, it is a source of weakness. Now, what remedy do they propose?—

> "We, therefore, consider it desirable, in the first place, that the bishops, clergy, and laity of the Church of England in each diocese should meet together in synod at such times and in such manner as may be agreed."

There is, lastly, the Bishop of Cape Town, who is now in this country, and of his sentiments I need not now speak, as I have this day laid upon the table of the House a petition from him on this subject. With respect to the clergy and laity of the different dioceses, they have also expressed opinions in accordance with the provisions of this Bill. Considering the great difficulties which exist in the way of gathering together a large body of the clergy and laity for the purpose of eliciting their opinions, I am astonished at the extent to which the declarations and manifestation of their sentiments have been given. In the diocese of Melbourne, there has been a meeting called, at which it was declared—

> "We are of opinion that one assembly, called a diocesan synod or convention, should be duly constituted; that it should be presided over by the bishop of the diocese, and should consist of all the presbyters of the Church having cure of souls, or licensed by the bishop, and of lay representatives from the ecclesiastical parishes or districts."

Of the opinion of the laity in the diocese of Sydney there can be no doubt, because, after the meeting of the bishops had been held to which I have already adverted, and in which they expressed their desire for synodical action, a large meeting of the laity was held, at which it was agreed to raise a considerable sum in order to promote the object they had in view. In South Australia there has been a meeting, in which it was declared, that in the opinion of those present, they ought to have a mixed convocation to manage the ecclesiastical affairs in the Colony, and a draft of a constitution for the Church in the diocese was prepared. The Committee appointed to draw it up state—

> "Your committee, therefore, propose for consideration the following draft of a constitution for the Church in this diocese—to consist of the bishop, synod of clergy, and convention of laity, together forming a general diocesan assembly."

In the diocese of Tasmania a similar declaration has been made on the part of the clergy, as well as upon the part of the laity. They declare that "in the administration of Church affairs in the Colony, the bishops, clergy, and laity, should have equal participation in all deliberations and judgments." With respect to New Zealand, I hold in my hand a letter to the right rev. bishop of that colony, in which an opinion is expressed, that—

> "For the management of Church affairs in that Colony a general convocation shall be assembled of persons representing the bishops, clergy, and laity, who shall constitute an upper and a lower house."

I may as well say that this letter is signed largely by the laity of four out of the six settlements in New Zealand: the Governor and the Chief Justice head the list; and I have this day presented a petition from the Canterbury Settlement, thus showing the opinions of five out of the six settlements to be in favour of the measure. Sir, too great attention cannot be paid to the opinions of the clergy and laity connected with our American Colonies. In the diocese of Montreal a meeting was held, consisting of delegates from every congregation of laymen, the bishop presiding. The result of their deliberations is thus stated:—

> "Resolved—That it is the opinion of this meeting, that in consequence of the want of any law ecclesiastical for the government of the United Church of England and Ireland in this colony, and the acknowledged difficulty of carrying into effect any efficient system of Church discipline, it is imperatively necessary that a body should be formed with power and authority to frame and enforce laws and regulations for the government, discipline, and internal management of the Church; such powers, however, in no manner to extend to matters of truth, or in any way interfere with or alter doctrines or forms of worship; and that such body shall consist of bishops, clergy, and laity, meeting together in such manner, and exercising such functions and duties as may be hereafter by law authorised."

There is only one other diocese to which time will permit that I should refer—that is, the diocese of Toronto, containing 200,000 Churchmen. They have met by lay delegates, together with the clergy and bishop, and have sent home an address, declaring in the most unequivocal terms their deep sense of the absolute necessity for the establishment of some authority of the kind. In not less than seven of these dioceses the clergy and laity have acted specifically and formally; in other cases they have substantially expressed their sentiments on behalf of the passing of some measure like the present, and stated their opinions as to the absolute necessity of being allowed to manage their own affairs among themselves. I think, too, I may fairly say the bishops of the whole of the dioceses are unanimous on the subject. The subject has also been brought under the notice of the Legislative Council in Canada; and although it has not gone out of its way to express a specific opinion on the subject, the House may judge from it of the opinions taken by persons not of the Church of England in the Colony. In their address presented to the Crown, they distinctly refer to the holding of synodical meetings of the kind, in which they express their decided conviction that the difficult questions pending between themselves and the Church would be best decided. Now I think I have fulfilled the promise which I made to the House, to show that the sentiments of the parties to be affected by this measure, have been strongly and in the most marked manner expressed. I have shown that there is a real want of some legislative measure on the subject—I have shown the present imperfection and uncertainty with respect to the existing state of the law as it affects synodical action in the Colonies—I have shown that the rights of individuals are at the mercy of chance or caprice—I have shown the declarations which have been made in all these Colonies by the different orders in the Church; and the only question which now remains is, how is this want to be supplied? Upon that part of the question, I find that there are two opinions held. I find that there are some of the clergy, even of high rank in this country, who think that the want ought to be supplied by preparing a legislative constitution for the Church in the Colonies. I hope, Sir, that the House will well consider before it takes even the first step in such a proceeding. I will be no party to establishing any such proceeding. I am satisfied that no man can exaggerate the evil which would attend any attempt to establish a legislative constitution for the regulation of the internal ecclesiastical affairs of the Colonies by the authority of this House. In the first place—and that, indeed, is sufficient to dispose of the whole case—I do not believe the House would entertain any such proposition. Let any hon. Member propose any such step, and I do not believe that the House of Commons would even entertain the first step in the matter. But, in the second place, the members of the Colonial Church would utterly repudiate, in my opinion, any plan so mistaken, and so detrimental to their interests; and, in the third place, I may safely predict that the people of the Colonies would be up in arms and protest in the most vehement manner against any attempt to force such a system on them. The question, then, really amounts to this—something must be done; this is admitted by all. Is it to be done by the Parliament of this country, or by these parties themselves? When I say by "these parties themselves," I ought, perhaps, to state also, the Colonial Legislatures. But I do not think they will do what the circumstances of the case require. I have heard that in one Colony—that of Tasmania—of an intention on the part of the Governor to propose something in the nature of a constitutional synod for the Colony. In Tasmania, however, the members of the Church of England constitute a very large majority of the inhabitants, and the sentiments of the people of Tasmania might possibly tolerate such a proceeding. But I think it would not be difficult to show to the House that the Colony of Canada would tolerate nothing of that kind. And when you speak of the Colony, it must not be forgotten that you speak of about two-thirds of the entire population included in the scope of this Bill. But I say that if, in Tasmania or elsewhere, public feeling is in favour of arranging the matter by colonial legislation, I do not wish to interfere to prevent them. I wish to leave the hands of the colonists perfectly free, and to establish, as I have previously said, the full and complete recognition of the principle of religious equality in the Colonies. I hope that I have made intelligible to the House the general scope and purport of this Bill. I trust, too, that I have disarmed some of the apprehensions of my hon. Friend behind me (Mr. Horsman), who has spoken of a "religious revolution" in connexion with this Bill. I should be most obliged if he would point out any particular point of relation between the Church of England in the Colonies which this measure would tend to revolutionise. If I am asked if I desire that this connexion should be as close and harmonious as possible, I should say of the ecclesiastical as of the civil affairs, let that connexion be as close and harmonious as it may, but above all let it be a free connexion, in order that it may be a satisfactory and a permanent one. I beg, Sir, to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir JOHN PAKINGTON said, that after the very able speech of the right hon. Member, and the lateness of the hour, it would be impossible for him to reply to it, and he should therefore move the adjournment of the Debate.

Debate *adjourned* till *Wednesday* 19th May.

The House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, April 29, 1852.

Minutes.] Public Bills.—*Reported.*—Exchequer Bills; Sheep, &c. Contagious Disorders Prevention.

GENERAL ROSAS—THE AFFAIRS OF THE RIVER PLATE.

Earl GRANVILLE rose to put a question to his noble Friend the Secretary for Foreign Affairs, arising out of a paragraph which had appeared in the morning papers of yesterday, and which was dated from Plymouth. The paragraph was as follows:—

> "The ex-Dictator of Buenos Ayres and family, who arrived here on Sunday in Her Majesty's screw steamship *Conflict*, Commander Robert Jenner, landed yesterday afternoon at the jetty of the Devonport dockyard, where he was received by Commodore Superintendent Sir Michael Seymour. Shortly after landing, the General took up his quarters at Moorhead's Royal Hotel, Fore-street, Devonport, where he was visited by the Port Admiral, Sir John Ommanney, and other heads of departments. In consequence of a Treasury order, every respect was paid by the officers of the *Conflict* to the noble visitor, and at the Custom-house every facility was given for the ready clearance of his baggage."

Now, if this paragraph were correct, it would appear that General Rosas had been received on his landing at Plymouth with more than the usual official honours. He (Earl Granville) did not wish that the hospitality extended to foreign refugees by this country should be in any degree limited. So little was the expression of opinion in this country checked by restrictive laws, and so accustomed were we to meet in social intercourse persons differing from us in political opinions, that he believed that there was no distinguished personage, whatever might be his sentiments on political questions, who would not be sure of meeting with a favourable reception in this country from some party or from some individual. There would be no person more unwilling than himself to limit the feeling which led to such a result; and no man would regret more strongly than he should any want of courtesy on the part of the Government or of any other portion of our community towards those who had been in possession of power in other countries, and who had been driven by misfortune to seek refuge within our shores. He thought that the late Ministers had shown a sound discretion in not receiving with official honours any of the political refugees who had sought refuge in England during the period in which they were in power. Several individuals had come to this country, some distinguished by birth, some by the high authority which they had recently exercised, and others by their literary attainments; but though in every case exertions had been made to secure their personal safety, yet, with the exception of some municipal corporations, no official honours had been paid to them by any portion of the Government of this country. This he thought was a wise and sound principle; and no complaint of the want of such attentions had been made by the parties themselves. He would not on the present occasion say one word respecting the political conduct of General Rosas, nor respecting the form of government which he had established, nor respecting the restrictions which he had imposed on commerce at Buenos Ayres; this, however, he must say, that there was nothing to justify his being made an exception to the rule which had been observed in other cases, He thought that the British Government had acted wisely in sending, in conjunction with the French Government, an expedition to the River Plate, since intelligence had reached this country of the fall of General Rosas. He thought also that the honours which had been paid to that general would seem to be a slight towards the other distinguished personages who had not been received in the same manner, and that they would form an inconvenient, if not a dangerous, precedent. He expected that the answer which his noble Friend opposite would give to his question, would show that the paragraph which he had quoted, was an exaggerated statement; that the honours paid to General Rosas had been paid spontaneously by the authorities at Plymouth; that no political demonstration was intended by them; and that they had not been paid by the instructions of the Government. The question he had to ask of the noble Earl was, Whether instructions had been given to the authorities at Plymouth to receive General Rosas with official honours ?

The Earl of MALMESBURY said, that the paragraph to which his noble Friend had referred had escaped his notice yesterday in reading the morning papers, and the first time that he heard of it was this morning, when he received his noble Friend's letter on the subject. Assuredly no orders were sent from the Foreign Office, and he thought that he might add none were sent from the department over which his noble Friend near him (the Duke of Northumberland) presided, directing official honours to be paid to General Rosas. He entirely agreed with his noble Friend opposite in thinking that a refugee of rank and station must feel himself more agreeably received when he was received quietly, than when he was received on his arrival with any particular honours. He believed that that was the opinion of General Rosas himself. The only communication which the Government had received from that individual, was a letter, very simply written, asking leave to live as quietly as possibly within Her Majesty's dominions, and to have an individual assigned to live with him until he knew the English language better. He, therefore, could not explain why the authorities at Plymouth had received the General in such a manner as they had done, except by supposing that a natural feeling had led them to receive with hospitality and respect a distinguished refugee from a foreign country. And here let him observe that General Rosas was no common refugee, but one who had shown great distinction and kindness to the British merchants who had traded with his country, and one with whom the late Government had carried on negotiations of an important character, and had even signed a Treaty in 1849. Whatever the private character of General Rosas might have been in South America, and whatever cruelties he might have committed—which belonged to his nation, and which he (the Earl of Malmesbury) was afraid had not been exaggerated—it was impossible that under present circumstances we could mark them here by any stigma. We had received him here as a refugee, with whom we had carried on negotiations and signed a Treaty; and if we could not pity him for the fate which he had brought upon his own head, we ought at least to show some delicacy towards him in his misfortunes, and not to stamp him with the stigma of our reprobation.

The Marquess of CLANRICARDE said, that the question which he wished to have distinctly answered "Yes" or "No," was this: Was or was not a Treasury Order sent down to Plymouth to receive him in this way?

The Earl of MALMESBURY was not aware at that moment that any such Order had been sent by the Treasury; but, undoubtedly, such an Order might have been sent, as Mr. Gore, in his communication to the Government, had stated that it was an error to suppose that the General had landed with great wealth in England. The fact was the other way; he had very little to live on, and the rest of his life must be spent in penury.

Viscount CANNING was not in the House when this question was put; but it appeared to him that the question ought to go to a period further back. General Rosas, it seemed, arrived at Plymouth in a Queen's ship, and nothing was more natural or more regular than that the authorities, on seeing him arrive in England in a ship under Her Majesty's pennant, should have done all in their power to mark their sense of the respect due to him on his arrival. He would not put a question to the noble Duke opposite (the Duke of Northumberland) as to whether General Rosas had been received on board Her Majesty's ship with the assent of the Government? He then expressed a general concurrence in the sentiments expressed by the noble Secretary for Foreign Affairs on this subject.

The Duke of NORTHUMBERLAND replied, that although the noble Viscount would not ask him the question, he would nevertheless reply to it. No orders had been sent by the Government to the squadron in the Rio Plata on this subject; but there was a general order sent to all our naval commanders to save life in all such emergencies as those which had befallen General Rosas. It was under these circumstances that General Rosas went on board the *Conflict*. His first intention was to come to this country by the Brazilian packet. He was too late to meet that packet at Bahia, and it was thought that his life might not be safe if he stayed for any time in Brazil. That was the reason why the *Conflict* brought him to this country. If anything wrong had been done thereby, he (the Duke of Northumberland) was answerable for it, for he had expressed his approval of the course that had been pursued.

Earl GRANVILLE, in a low tone, explained the reasons which had induced him to put this question, and expressed his concurrence in every word which had fallen from the noble Duke who had last spoken. It was quite right to issue orders to preserve life; but official honours should not have been paid to General Rosas on landing.

Lord BEAUMONT said, that while the House was on this subject, he would put a question to his noble Friend opposite respecting the condition of affairs in the River Plate. It was now some weeks since it had been reported in this country—and there was no reason to doubt the correctness of the report—that the town of Montevideo had been occupied by a Brazilian force. He did not ask at present whether that was the case or not; but, supposing that it were the case, was his noble Friend prepared to say that the occupation would be merely temporary, as a measure of police, to preserve life and property, and that it would not lead to any permanent result endangering the practical independence of the Banda Oriental? Perhaps his noble Friend would also state at the same time whether the island of Martin Garcia was in the occupation of the Brazilian troops or not?

The Earl of MALMESBURY: As to the first question put to him by his noble Friend, he had to inform him that Montevideo was at the present moment occupied by Brazilian troops. After the town had been evacuated by the French troops, he had been informed by our Consul resident there that it was found necessary to call in the Brazilian troops to preserve order. He had been assured that morning by the

Brazilian Minister that the occupation was only a temporary occupation. He could assure his noble Friend that Her Majesty's Government did not undervalue the independence of Montevideo, and that it had no reason to believe that it was now threatened. As to his noble Friend's second question, he had not heard that Martin Garcia had been occupied by the Brazilian forces, and he did not believe that it had been so occupied.

SANITARY STATE OF THE METROPOLIS.

The Earl of SHAFTESBURY rose, in pursuance of notice, to move the following Resolution: "That the Sanitary State of the Metropolis requires the immediate Interposition of Her Majesty's Government." The noble Earl said, that he would venture to bring before their Lordships the sanitary condition of this vast metropolis, and the causes of disease and death that affected hundreds and thousands of persons at no great distance from those walls. He desired to exhibit the ravages of disease, of premature death, the evil effects on those who survive—widowhood, orphanage—together with the social and financial results to the community at large. The considerations suggested by a review of the sanitary condition of this metropolis were very important at all times, but in the present day possessed greater value than ever, because he believed that in a very short time our Australian Colonies would invite and would obtain from this country a large portion of the flower and strength of our rural population; the remaining portion would continue to flow into the towns—for so long as towns remained population would flow into them from the country—and in the towns they would undergo the same deteriorating process in themselves, or in their children, or both, of premature death or decay, which they were now undergoing. No town is sustained from its own resources; cut off from the rural supply, and the population will soon be extinct. Depend upon it that, if emigration commence generally from our counties, and the towns at the same time should continue to exhibit the same mortality, or a proportionate increase to what it did at present, that eventually the great evil of this country would be not a redundancy but a deficiency of population—a scarcity of hardy population for the country at large, for the national defences, and for all civil, industrial, and social purposes. In order to show how the population of this vast metropolis depended altogether on provincial support, he would put before their Lordships the returns of the Census of 1841. The returns of the Census of 1851 were not yet prepared; but of this he was informed, that it was likely they would exhibit still more strikingly results of a similar character. It would be observed that no town could sustain its own population from its own resources. The population of the metropolis and of every great town in the kingdom was sustained by emigration from the country: and if that should from any cause be diverted, the population of the towns would become nearly extinct. Now, to show to what an extent these densely-populated localities were dependent for their supply of inhabitants on the provincial fertility, and how a small diversion of the influx would affect the maintenance of the numbers, take the following table:—

Table showing the numbers Born in the Metropolitan Parishes, and in the Cities of London and Westminster, and other towns, together with the numbers immigrating thereto, with the proportion per cent of those immigrating to those born in the several parishes:—

Name of Parish or Union.	Born in the County, 1841.	Born elsewhere 1841.	Proportion per cent of those born elsewhere to those born in the county.	An. Mortality per cent.
St. Luke's	33,901	15,938	31.7	2.95
St. Giles's	30,997	23,295	42.9	—
Marylebone......	75,824	62,340	54.9	2.5
St. Pancras......	78,160	51,603	39.9	—
Kensington	15,064	11,770	43.9	2.48
Holborn	23,011	15,729	40.6	2.87
City of London	72,676	52,132	40.9	2.1
City of Westminster	114,035	108,018	48.6	2.8
Lambeth	52,771	61,917	54	2.48
Newington	27,926	26,680	48.8	2.46
Rotherhithe......	8,461	5,456	40	2.9

The noble Earl then proceeded to show from the same table that the same evil existed in Manchester and Liverpool. For instance, the table from which he had already quoted supplied the following result:—

Name of Parish or Union.	Born in the County, 1841.	Born elsewhere 1841.	Proportion per cent of those born elsewhere to those born in the county.	An. Mortality per cent.
Manchester	157,831	86,052	35	2.4
Liverpool.........	157,748	128,739	44.9	2.6

Now, let their Lordships bear this in mind, that the mortality in a healthy district was to be estimated at 1.4 per thousand of the population. That was the case with regard to healthy districts; but in many towns the mortality was greater than 2 per cent, and in some instances it attained to even near 3 per cent of the population. The bearing of this fact upon his present argument was this, that if they demonstrated the extent to which mortality prevailed in the vast populations of the towns, and if simultaneously a large amount emigration of was going on, and would probably be increased, then he could well believe—and he had heard it a day or two ago asserted on equal authority—the statement of Dr. Price—that London, if not refreshed from the country, would be a desert in fifty years. To use an illustration of the same gentleman: "Suppose you were to surround the metropolis by a wall of brass, so that no individual from the country could enter within them, the whole population of this metropolis and their issue would be extinct in the period of fifty years." Now, he (the Earl of Shaftesbury) would say that the mortality of these town districts, and the manner in which their population was sustained by immigration from the country parts, deserved most attentive consideration from the Legislature; and he would say further, that they were bound to proceed to institute such measures as would render more healthy and safe those vast districts; for if they did not, they would soon feel the very serious effect of a scarcity of people for all civil, social, and industrial purposes. The evils of which he complained had not yet reached their maximum. The results of late inquiries had proved that those evils were far from being stationary or retrogressive, but were, in fact, rapidly advancing. It appeared, from careful inquiry, that during a series of years, deaths by preventible diseases had been increasing, and in a far greater ratio than was due to the increase of the population. For example, he would lay before their Lordships the results of the deaths, arising from four causes, which were at all times besetting the population of the metropolis. The four great causes were typhus, scarlet fever, diarrhœa, and scrofula. Now, he would quote to their Lordships an extract from the Registrar General's report from 1840 to 1851, both years inclusive. The deaths by typhus and typhoid fevers in the metropolis during the first six years of that period were 8,962; and during the last six years 16,138, or nearly double, and that, too, not owing to any increase of the population. This statement did not include the cholera cases in 1849 and 1850, which made the case the more remarkable, because, according to all medical experience, the deaths from these causes after an epidemic ought to be fewer in number. Take, again, scarlet fever. During the first six years the deaths from scarlet fever were 9,822, and during the last six years 11,709, being an increase of about one-fifth. Again, by diarrhœa, the deaths during the first six years were 4,001, and during the last six years 13,650, that is, more than threefold. Now, diarrhœa was the strongest and the most certain and immediate sign of the presence of a poison in the blood, and most clearly exhibited the sinking state of the population. By scrofula the deaths were in the first six years 3,098, and in the last six 7,114, or more than double; and this was the more remarkable, as this was a disease which generally affected the constitution permanently. The most important point, however, for their Lordships' consideration was that connected with the Fever Hospital. The report of the Registrar General for last year exhibited a mournful example of the mode in which the destruction of human life might continuously go on in particular and very circumscribed limits. There were received into the Fever Hospital, from all parts of London in the past year, 877 cases of fever. Of this number, their Lordships would scarcely credit the fact, that from one single side—the eastern side—of one lane (Gray's-inn-lane), there were received 211 patients. In several instances from a single house in that locality 12, and in one case 20 patients, were sent into that hospital. Thus one side of a single street, with the courts branching out, had contributed nearly one-fourth of the cases to this hospital; but, adding 50 sent from Saffron-hill and neighbourhood, it had supplied nearly one-third. There was also another remarkable fact contained in the Registrar General's report, to which he wished to call the particular attention of their Lordships. The county of Lancaster, like this great metropolis, was fed by immigration from distant parts. Now, in commenting on the mortality of that district, the Registrar General made this emphatic remark, in every way well worthy of attention:—

> "The mortality of Cheshire and Lancashire has been higher than the high average of those counties. The population of the districts of Lancashire in 1851 was 2,063,913; the funerals were 54,938. The excess of sickness and death over births in

Lancashire is constant; in infancy, in adult age, and in both sexes. Yet the land in a great part of the country is high and salubrious, and the occupation of the people has nothing in it essentially injurious. What, then, is wanting? Apparently only this one thing: That the leading men of Lancashire, animated by good will, should apply that skill and vigour which have been so successful in the use of machinery and the production of clothing for mankind, to the amelioration of the social condition of the two millions of Englishmen around them."

What had occurred in the county of Lancaster might occur in this metropolis. It was a warning which ought not to be neglected, for we had every reason to believe that the mortality of London might lead to the same results, the excess of deaths over births, in infancy, in adults, and in both sexes. But these evils prevail and increase, not only in London but in small provincial towns, wherever there is a total deficiency of sanitary arrangements, and where the people live in great masses. All this showed how much we depend for our supply of human beings on the purely rural population. Hear the inspector (Mr. Lee), who says that "the general conclusion forced on him by examination of 40 towns is, that the great mass lose nearly half the natural period of their lives." A rapid deterioration had taken place, owing to the presence of a continually increasing amount of decomposing organic matter, owing to the cesspool system, and the saturation of the soil. This depression was not confined to towns in the worst sanitary condition. Take Baildon, in the county of York, a village with 3,000 inhabitants: In 1841 the deaths were 16.58 to 1,000; in 1848 they were 25.4 to 1,000; in 1849 they were 26 to 1,000; in 1850 they were 24.93 to 1,000; and in the year ending March, 1851, they were 20.21 to 1,000, or 25 per cent higher than in 1841. And this, notwithstanding all the exertions of inspectors, &c., in the matter of cleansing the houses, &c., during the epidemic. In Selby the rapid increase in mortality is striking:—The deaths registered in 1845 were 100; in 1846 were 123; in 1847 were 156; in 1848 were 193; in 1849 were 223; a progressive increase of 100 per cent in five years only, with a population nearly stationary. There was another town, Yeovil, which ought to be one of the healthiest towns in England: the mortality, estimated from the returns for seven years, from 1844 to 1850, was 24.6 per 1,000; but, taking the latter four years of the return, the mortality has reached the extraordinary high average of 29 in 1,000; and so on for many other towns. Now was there not a cause for this state of things? Undoubtedly there was; and it was to be found in the fact that the people were pressing by thousands and by tens of thousands upon arrangements which were calculated only for tens and for hundreds. As soon as they came into the towns they crowded together in the overpopulated lanes and alleys, living in miserable domiciles, where they found no pure air to breathe, no clean water to drink, and no drainage to carry off the filth. They were surrounded by every cause of disease and death; and when they came to die, there were no means for interring them with propriety and safety. Let their Lordships listen to a few proofs. Look to the present condition of intramural interment. Now, as respects intramural interment, he assumed that it was a practice universally execrated, abundant in every mischief, peril, and evil consequences; yet it still prevailed unmitigated among 2,000,000 of this metropolis. The most recent examination of the graveyards of the metropolis showed that they contain putrefying matter enough to communicate putrefaction to all substances exposed to it, and which emit mephitic gases which produce the worst effects upon the human system. As an illustration of the effect produced by the interment of large masses of bodies, he would refer to a statement made by Sir James M'Gregor, that on one occasion in Spain, soon after 20,000 men had been put into the ground, within the space of two or three months the troops that remained exposed to the emanations of the soil, and that drank the water from the wells sunk in the neighbourhood of the spot, were attacked by malignant fevers and by dysentery, and that the fevers constantly put on the dysenteric character. Now, in this metropolis, on spaces of ground not exceeding in all 218 acres, closely surrounded by the abodes of the living, crowded together in dense masses, upwards of 50,000 dead bodies are buried every year. In Bethnal-green burial ground alone, consisting of an area of about two acres aud a half, there have been interred since its opening, in the year 1746, upwards of 56,000 dead bodies. In Bunhill-fields burial ground, City-road, consisting of an area of less than four acres, there have been interred from April, 1713, to August, 1832, according to the registry, which, however, in the earlier years was imperfectly kept, 107,416 dead bodies. But in St. Pancras churchyard, one-half of which has been used as a burial place for at least six centuries, there have been deposited the remains of more than twenty generations; and in this space of ground, which does not even now exceed four acres, and a large portion of which was considered as full to excess twenty years ago, there have been interred since that period upwards of 26,000 bodies. Estimating the duration of a generation at thirty years, there must have been interred in the small space of 218 acres, in the last generation a million and a half of dead bodies; and within the next thirty years, unless some remedy should be applied, and the system of extramural interments should be introduced, more than another million and a half of the dead, that is, a large proportion of those who now people the metropolis, will have to be crowded into those same churchyards. He next came to the subject of drainage; and without entering at large into that subject, he would just refer to one or two facts. Any person going into the New-cut, Lambeth, or to Whitechapel, or Shoreditch, must be struck with the foul smells arising from the defective surface drainage. A survey had been made of the subterranean works of London, and the Report revealed the portentous danger to which the great mass of the working classes were subjected. The Report stated:—

> "Now, besides the surface abominations, which any one can speak to who has perambulated London, a survey has been obtained of the subterranean works, from which the appalling fact has been proved, that, owing to the bad construction of the sewers, there is actually accumulated beneath and about the dwelling-houses of the metropolis a mass of cesspool matter which may be represented by a lake six inches deep and 700 acres in extent, and an 'exhaling' surface of that extent, of which, mark this, the bulk remains constant, are sent weekly to the Thames upwards of 8,000 loads of poisonous filth. After this statement, can any one wonder that noxious odours pervade the best squares and streets, and that no one can stand without the annoyance and the risk of illness at a moderate distance from any gulley-shoot?"

This leads to my next consideration—the supply of water, it being impossible that drains should work well except with well-adjusted supplies. There was no reason to complain of an insufficient supply of water, because, nearly three-fifths of the water pumped into London are pumped to waste, a quantity equal to the average rain-fall of the district; a great quantity of this sinks into the ground, rotting the foundation of the houses, and adding, wherever drainage is defective, to dampness and surface abominations. The great complaint was the defective mode of distribution; for while three-fifths were wasted, thousands and tens of thousands had no water without fetching it from a considerable distance. It was not necessary at the present moment to debate the comparative qualities of hard and soft water, and the sources of supply; people would be glad, some to have any, and some any fit to be drunk. But if their Lordships would only read the different reports on the supply of water to the metropolis, they would then see how disease is created by a deficient supply of it, and by its being detained, when acquired, in butts, tubs, and pans, all uncovered, in heated and crowded rooms, where it soon becomes corrupt, and imbibes all the bad gases thrown out from the body by the lungs. The city of Hamburgh presented a remarkable contrast to this state of things, in consequence of the judicious measures taken to secure a constant and plentiful supply of water. That town, as their Lordships were well aware, had been burnt down a few years ago. The burgomasters and other inhabitants of the town, in rebuilding it, showed great zeal in securing its future health. They sent over to this country for an engineer of great knowledge and science, and well acquainted with sanitary subjects, and the principles of the Board of Health, and requested him to reconstruct the town in such a way that every house might be plentifully supplied with water. Mr. Lindley accordingly went over. Every room in every house, from the bottom to the top, was furnished with a constant supply of water. Every man in Hamburgh had that constant supply of water in his room, and paid for it something under a penny a week. Look to the advantages of his system: first, there was great cheapness; and, secondly, the water was close at hand. The medical gentlemen of the hospital had drawn up a written statement, in which they said that since a constant and plentiful supply of water had been given to the people of Hamburgh, cutaneous disorders had become almost extinct, and that not one case of cutaneous disease had since that time been admitted to the hospital. As to the water used in many parts of the metropolis, it was of bad quality, and frequently intermittent. On this subject Dr. Bowrie says—

> "'Water, thick, muddy, discoloured, putrid

unfit for drinking;' 'fatigue in carrying it upstairs very oppressive, and much time lost;' 'have been without water for eight years; often more in want of it than victuals.' 'Water tastes like something putrified, often containing live worms an inch long, supposed to come from the adjoining burying-grounds.' Dr. Gavin says, 'Water supplied from stand-pipes occasionally. It is kept in butts, tubs, pans, all uncovered; frequently stowed away under the beds; exposed to all the foul gases evolved in crowded rooms, absorbs them, and becomes putrid and poisonous; butts almost always near privies, imbibing every noxious exhalation.'"

Such a state of things was disgraceful, not only to this city, but to the country, and he hoped their Lordships would arrive at a determination not to allow the Session to close without entering heart and soul into a determination to put an end to it for ever. He would remind their Lordships that the city of Paris stood much better in this respect than did London. The late king, Louis Philippe, paid great attention to this matter, and very much had been done towards supplying the people of Paris with water. He had not sent water to the tops of the houses, but tanks were very liberally supplied with water filtered from the Seine, and in almost every street a good allowance was to be obtained, so that he believed he might safely assert that the people of Paris were in respect of this necessary of life in a condition fifty per cent better than the large majority of the people of London. Having said so much relative to the supply of water, he would now direct their Lordships' attention to the state of the courts and alleys of London, and the condition of the dwelling-houses contained in them. In 1848, in anticipation of cholera, a report was made by Mr. Grainger upon this subject; and, before referring to that report, he would just observe, that if any difference existed in the state of matters, he believed it was that they were worse now than then, the warnings of cholera having been disregarded. Mr. Grainger, in this report, says—

"The uniform evidence of every medical man engaged during that period (1840-1849), whether as an inspector, visitor, or Poor Law surgeon, showed that in all parts of the metropolis the dwellings of the industrious classes were in a most deplorable condition; that they were filthy, unwholesome, and neglected; that they were deficient in all the arrangements demanded by decency, comfort, and health; that there were in many localities houses utterly unfit for human habitation; that the water supply was miserable, both as to quantity and quality, the privies foul and overflowing, and the scavenging grossly neglected; and that, as the direct consequence of all this, there was extreme misery, sickness, and mortality."

Here was a picture of the interior of the houses bordering on St. Giles's and Bloomsbury, as given by Mr. Lloyd, a surgeon:—

"Some of the rooms and staircases were black, and appeared as if they had not been properly cleansed for years. The ventilation is also most defective, and the rooms enormously crowded, so that the atmosphere within them is most offensive. In one room of a house in George-street, where two children had lately had typhus, 10 people slept at night; the allowance for each being, according to measurement, 120 cubic feet; a space utterly incompatible with health. I saw other rooms much more crowded, containing 18 or 20 people."

This was a favourable representation of the dwellings in many parts of London. He would now pass on to a famous place, called Jacob's Island, in Bermondsey, where the houses were built over a muddy and all but stagnant ditch, of a most disgusting description, from which the people were compelled to draw the water used both for cleansing and cooking. It was stated that—

"Many privies overhang the stream, and I saw a large quantity of excrement lying on the mud; the water was filthy and green, and poisonous gas was bubbling up on the surface. I found on this and a subsequent visit, that many of the poor are still compelled to use and even drink this horribly polluted water; others obtain a supply from the public-houses, or from the charitable supply provided through the instrumentality of Mr. Walshe, who acted as medical inspector during the cholera. Some of the poor people stated, that on complaining to their landlord of the want of a proper supply, they were told that the water of the ditch was good enough for them."

He would now introduce their Lordships to the state of the Potteries at Kensington, which abounded in piggeries, and where, in a pond called "the Ocean," every kind of abomination was collected, and sent forth the most offensive smell. At another place in Kensington, called Jennings'-gardens, the state of the privies was declared to be so horrible as to defy description. With regard to this place, it was stated—

"Some time since a public privy was provided, but it is in a most disgraceful state. The whole area, at the time of my visit, was deeply covered with excrement, and emitted so foul a stench as nearly to induce vomiting. To this place, and in this horrible state, men, women, and children are compelled to resort in common. 'The deaths from cholera,' says Mr. Woodcock, 'in these buildings were about 30 during the short time it was there.'"

But, in reference to this place, the advantage of a slight attempt at something like remedial measures was seen, for it was stated, as a consequence of the adoption of sanitary measures, that disease instantly abated. There was one other place well worthy of their Lordships' consideration, because of the great number of victims that it furnished to the demon of typhus fever—he meant Tindal's-buildings and Pheasant-court, Gray's-inn-lane. He had last year, in consequence of the very strong statements which he had seen relating to this locality, deemed it his duty to go and see the place himself; and he could safely say that what he saw more than bore out the description which he would now submit to their Lordships; and it was the more remarkable, because it was not at first sight a neighbourhood that struck one as peculiarly filthy. It was a narrow court, and the pavement was tolerable; and it was only, in fact, by going into the houses that the extent of the evil could be understood; and their Lordships would well believe what he stated when he mentioned that in one of these houses not fewer than twenty cases of cholera had taken place. Here was a description given by a medical gentleman of by no means one of the worst houses:—

> "The interior generally is dirty, and requires efficient limewashing; the privy, as is usual in these buildings, is placed in the cellar; on descending the stairs a foul privy stench was perceived, and which must pervade the house; the floor of the cellar, being beneath the level of the main sewer, cannot be drained, and, to rectify this, the occupier has dug a hole close to the water-butt to receive the filthy liquid, and which he can only get rid of by baling. In one corner of the cellar lay a heap of dust, cabbage-leaves, and other refuse, at least half a cartload in amount, and which, owing to the neglect of the dustmen, had been accumulating since Christmas. From the privy a short drain leads directly into the main sewer, and, as there is no trap or other contrivance, the foul sewer air must be continually pouring into the house. Close to this horrible privy stands the water-butt for the supply of twenty persons, uncovered and open at the top, and thus allowing the water to absorb the poisonous gases incessantly escaping at the privy; the butt itself is so decayed that the water leaks away, to remedy which defect, as the landlord will do nothing, the poor woman of the house has provided a small old tub."

He could say, in addition to this statement, that there were many parts of this locality so utterly filthy, and the effect of the gases was so overpowering, that into them he could not go, and therefore could not submit them to personal inspection; it was impossible to endure the intensity of the horrible stench that prevailed. Now, these were not by any means isolated cases. They were fair representative instances, and he would undertake to show that what he had stated was true, not only in respect of one, two, or three hundred, not of one or two thousand of houses, but of several thousands, and of several hundreds of thousands of the population. But there were nuisances of another description to which he felt it his duty to call their Lordships' attention. The air of London was in a state of constant and increasing pollution, not only from the enormous mass of cesspool matter which accumulated within and around houses in consequence of defective house drainage, but also from the noxious processes and manufactures which were carried on, without control or regulations in the very centre of the town, and in the midst of the densest portions of its population—from the bone-boiling and fat-boiling operations of Lambeth and Kensington; from the manure manufactories of Whitechapel, Southwark, Lambeth, and other districts; from the manure-heaps of scavengers' and nightmen's yards, where the refuse of 2,000,000 of people was collected and hoarded until, by various processes, all of which involved decomposition and the evolution of poisonous gases, this seething mass of filth was brought to what was considered a fit state for sale and removal; and from the like abominations of laystalls, knackers' yards, cowhouses, and piggeries, and nuisances of other descriptions in every variety. One of the abominations to which he had just referred consisted of a large pond, three-quarters of an acre or an acre in extent, into which was thrown the contents of the cesspools of a great part of the neighbourhood, where it was kept for a length of time, and baked into cakes and exported. The complaints of the people round about were numerous, and one man was so powerfully affected with the gas that he was killed outright. Scarcely a day passed without appeals from private individuals or local officers, from a clergyman or a medical man, for interference to abate the stench in houses, or to check the progress of some frightful local epidemic which was raging in dwellings closest to those hotbeds of disease. These processes might be necessary; but what he protested against was, their being permitted to be carried on in the very heart of the population. Nothing could possibly be more offensive than some of these processes, and the houses near them were never free from fever. Sometimes there had been in these localities a sudden outbreak of disorder, caused perhaps by a change of the wind, by which fifty or sixty children in the workhouse were struck down in one night, in consequence of the effluvia being driven upon them from these abominable premises. And it should be borne in mind that these disgusting processes were not, many of them, carried on by Englishmen, but by foreigners, who came here, because in no other country in Europe would they be allowed to carry on such processes. At Paris, for example, such disgusting processes would not be tolerated for a day; but they were allowed to come to this country and pursue their operations without question, though proved to be detrimental to the health of thousands and tens of thousands of the population living within the sphere of their influence. Nor in this enumeration was it right to omit the smoke nuisance—that everlasting source of the thickness, darkness, and filth of the London atmosphere; that nuisance which the experience of towns more properly manufacturing, and especially the experience of many of the largest fuel-consuming factories, showed might, without inconvenience, without loss, and even with pecuniary gain, be to a very great extent, prevented. According to the statement of a friend of his own, a large manufacturer, he had saved in fuel no less than 300*l.* in the course of one year by the consumption of his smoke. Now as to the consequences of this state of things, it was impossible to go frequently among the poor of this metropolis and visit their dwellings without seeing the pernicious effects, both physical, moral, and social, that were produced among those who were subjected to the nuisances he had endeavoured to describe. As to the moral consequences, they were shown in the discontent, exasperation, habits of drunkenness, and indifference to religion but too commonly exhibited. They could not fail to see that thousands, male and female, young and old, were driven to the gin-shop; and let not their Lordships visit them with too severe a condemnation; for in the depressing influence of the atmosphere in which they lived, and the misery of the dwellings in which they lived, they were led to the belief that their health and strength could only be renovated and maintained by the stimulating effects of gin and beer. Anxious as the friends of these people were to promote their improvement, all their efforts were rendered nugatory by the circumstances which surrounded them. Education was made all but impossible—the missionary was baffled, the clergyman and the schoolmaster rendered well nigh useless. The city missionaries, the scripture readers, the district visitors, one and all, said it was next to impossible to produce any effects on such persons, and that if such a state of things was allowed to continue, we should never cease to have an ignorant and dissolute population. Now, with respect to the physical effect produced by such a system. An inquiry was made a short time ago by an eminent surgeon, and he afterwards accompanied that gentleman to the place to test the accuracy of his statement by personal inquiry. The examination was made in some of the courts and alleys of the city of London to ascertain the physical and moral condition of the people inhabiting those localities. The attention of the gentleman was addressed principally to the children, because when they were affected it was clear that some evil influence was at work. He said—

> "What was the appearance of the children brought up in these courts and alleys?—In general diminutive, pale, squalid, sickly, irritable; I rarely saw a child in a really healthy state; the great majority had suffered from scarlet fever, measles, or some other disease in a virulent form, leaving injurious effects upon the constitution, which ultimately end in death, or produce a debility of constitution which lasts throughout the whole of life. What was the physical condition of the youth of these courts?—Stunted in their growth, of cadaverous aspect, generally with an appearance of having themselves suffered from disease. I was at first often suprised at the large stature and broad frame of the parents, compared to the squalid appearance of their children and the diminutive size of the youth of both sexes; but I found, upon inquiry, that a large proportion of the parents had come from the country, where they were born. Thus, in Sweet-apple-court, situated in the heart of the city, I found that of the 86 fathers and mothers of families there, 35 were born in London, and 51 in the country. There was generally a marked difference between the country and town people; the latter were smaller and less fully developed than the country people. I was sometimes able to predicate from the appearance of the inmates, where they had been born. What were the people's own accounts as to the prevalent state of health?—I was rather surprised to find that, unless they were at the time actually suffering from sickness, they did not themselves complain of the unhealthiness of their abodes; the feeling seemed to be, that, being obliged to live there, they would make the best of it. Others, indeed, appeared to have been accustomed to these foul smells, and did not associate them with any ill health. It was principally people who came from the country who complained of these bad smells. I found that

> some of the mothers who did not think the places unhealthy had lost one-half or nearly all their children. It Sweet-apple-court I met with the following cases, viz.:—Of 12 children only 1 was alive; of 7, only 2 alive; of 16, only 1 alive; of 10, only 3 alive; of 24, only 2 alive; of 10 children, 4 alive; of 7 children, 3 alive; of 11 children, 3 alive; of 8 children, 4 alive; of 9 children, 5 alive; of 12 children, 4 alive; of 7 children, 4 alive; of 15 children, 9 alive; of 4 children, 1 alive. Thus, out of 152 children, only 46 were living, 106 having died during the lifetime of their parents; and it must be observed that of the 46 now living many are quite young, and likely to fall victims to disease before they arrive at the age of maturity. Out of the 246 children born to the married inhabitants of this court, 141 were dead at the time of my visit, and only 105 were alive. Considering this excessive amount of mortality, and that the constitutions of the children who survive are weak and prone to disease, it is evident that the race of citizens would soon become extinct were it not for the continued regeneration which is going on by the influx of healthy people from the country."

Ratepayers were subjected to heavy expense in order to provide for the claims of widowhood, orphanage, and loss of capacity to labour, followed by necessary parochial relief. He would give their Lordships a few instances of the great increase which had recently taken place in the item of medical relief in densely-populated districts. The expenditure for medical relief in Bermondsey, in 1845, was 190*l.*; in 1851 it was 300*l.* In Holborn, in 1845, the medical relief amounted to 300*l.*; in 1851, to 634*l.* In Manchester it was 969*l.* in 1845, and 1,733*l.* in 1851. In Liverpool it was 919*l.* in 1845, and 2,306*l.* in 1851. These figures showed the progressive increase of expenditure arising from the want of sanitary measures, for 1851 was a comparatively healthy year, following, as it did, the epidemic. These evils were not the inevitable result of large populations. They arose from preventible causes, and good effects had followed wherever real efforts had been made to obviate them. Take the case of single houses, or blocks of houses, or alleys, or model establishments—diminution of disease had invariably followed improvement. Mr. Grainger, in his report, said—

> "Fortunately we have not to rest either on bare speculations or on mere assertions. It has been proved in the report of the General Board of Health on the epidemic cholera, that in the metropolis every efficient sanitary improvement has been followed, as directly as cause and effect, by a corresponding decrease of sickness and mortality. There is no exception to this rule; it applies to the courts, alleys, and houses occupied by the industrious classes; it applies to public institutions of every kind, to prisons, to hospitals, to lunatic asylums, and, above all, to the establishments specially erected to test the value of sanitary principles—to the model lodging-houses of this metropolis. In my report on epidemic cholera it was shown that out of 795 persons, inmates of these model buildings, only one had been attacked by the disease, whereas, among the population of London generally, one person in 75 was attacked."

Mr. Grainger found the same result in the Albert-street lodging-house, which had been opened about two years. The house contained about 280 persons of all ages; the deaths since the opening had been 5, one of these from accident; from typhus none. It must not be supposed that these model lodging-houses were placed in the most healthy parts of London: the reverse was the case. In the St. Pancras model lodging-house the number of inmates in 1851 was 571; the deaths 7, or a mortality of 1·2 per cent. In the surrounding district the general mortality was 2·3 per cent, or nearly double. Take the most delicate test of mortality—that of infants, and the result would be the same. The deaths among 252 children in the house were 4, or 1·1 per cent; while in the nighbourhood of the house the average mortality for five years among children under 15 years of age was 3·4 per cent.—I have now (continued the noble Earl) presented to your Lordships a just picture of the state of the Metropolis—a state affecting the condition of hundreds of thousands; and it is from a deep conviction of its influence on the social and moral condition of our people, and on the peace, honour, and enjoyment of all classes, that I am induced to repeat, again and again, these statements and remonstrances. Now, I know these statements must be tedious; but if tedious to those who listen, how much more to those who examine and report the disgusting details! It is really worthy of remark how habituated, and almost callous we become, by the weekly returns of the Registrar General, to vast amounts of mortality, and never inquire whether it arises or not from preventible causes. We assume that, because it is constant, it is also necessary and inevitible. Now, this delusion prevailed formerly in respect of many places, especially of prisons, in which disease was held to be as certain and concomitant as high walls or leg-locks; but where is the old gaol fever now? Cases of typhus may arise, but we never hear of a complete carnage in any one of our penitentiaries. If out of some 300 prisoners, 40 or 50 were attacked with typhus, Parliament would be stirred, and the whole press in commotion. In Westminster House of Correction two years ago 30 cases of fever occurred, and six deaths; alarm was excited, the cause discovered; 500 cubic yards, equal to 400 tons, of cesspool matter were removed, and then all was well. But while the courts and alleys are decimated year by year, no one is moved: all is taken as a matter of course, partly because one-half of the world knows nothing on the subject, and partly because the other half assumes all to be irremediable; and yet these evils are as preventible in the lanes and alleys as they are in the better localities. It has been the desire and effort of a band of men throughout the country to prove these facts, and give effect to their proof. Our night of toil has been long, but we trust it is drawing to a close; and to hasten that happy consummation, and institute sound measures for the benefit and safety of a great mass of the working people, I now earnestly request the interposition of your Lordships. I move the House to resolve, "That the Sanitary State of the Metropolis requires the immediate Interposition of Her Majesty's Government."

The ARCHBISHOP of CANTERBURY said, it would be impossible not to admire the philanthropy of the noble Earl who had given up so much time, and had practised so much self-denial, for the purpose of entering upon one of the most painful pursuits that could be undertaken. It was unnecessary for him to enter upon the painful details which the noble Earl had placed before the House; but he should be unfaithful as regarded that large community by which he was more immediately surrounded, and which in some degree he represented in that House, if he did not add his testimony to the correctness of what the noble Earl had stated in reference to the sanitary condition of Lambeth. The localities where during the recent visitation of the cholera, mortality and sickness might be expected to prevail to the greatest extent, were so well known that it was almost possible to lay them down distinctly on the map. Great efforts had been made to ameliorate these evils; but though much had been done, the difficulties to be overcome had been found so great that nothing short of legislative interference would effect any satisfactory and permanent improvement. The moral and religious consideration of the question was even more distressing than the physical aspect. The Government had made great exertions for the education of the people; but their physical condition opposed an impassable obstacle to the benefits of education; and if the evils now complained of were removed, it would contribute not only to the improvement of the health of the people, but also to the promotion of their morals. Much, beyond question, might be done in a very material point of view by attending to the health and cleanliness of the poor; but he doubted whether the religious and moral results produced would not be still more beneficial and salutary.

The EARL of DERBY said, that many of the details brought forward by his noble Friend were no doubt details of the most painful interest, and were on a subject to which, in a very worthy manner, he had devoted much time and attention; but he was afraid that he had, after all, in entering upon these details, merely elucidated those well-known and universally recognised truths, which—he hoped the noble Earl would not consider he used any offensive term—were, in fact, truisms, namely, that in proportion as you promote ventilation, drainage, and the removal of nuisances, in such proportion will the health of the population and the average longevity be augmented. It did not require the facts which the noble Earl had laid before the House to satisfy their Lordships that a country life was more wholesome than the life of a population pent up in populous cities and great crowded towns. He confessed he was at a loss to imagine where that peculiar district was to be found, to which his noble Friend had adverted, where the average of deaths in the year amounted to 1.10 per cent, because if that were the state of the population in any particular district, that district must exhibit such marvellous salubrity that every man, woman, and child living within it must attain the age of 75 years. Two per cent of deaths would indicate that the average duration of life among the population was 50 years, and 1½ per cent would indicate that the average period of existence was 75 years—that is, provided the inhabitants are born, remain, and die in the district; for the calculation was good for nothing if the district were one in which the people did not permanently remain, or with respect to which any large amount of emigration was carried on, either from or into. He was not going to enter into any statistics upon the subject. He was quite ready to admit it to be a matter of notoriety that the population were more healthful and long-lived in the country than in towns; and the difference of salubrity applied not only to the metropolis, but also to large towns in the manufacturing districts; and that the amount of salubrity, and the contrary, were in proportion to the crowded state of the population, the great extent of the towns, and the want of a free circulation of air. The speech of his noble Friend appeared to him to have fallen short of that which the great attention he had paid to the subject, gave their Lordships the right to expect. The noble Earl had been satisfied with showing the existence of a great evil, and had not gone on to show what remedies might be applied, or in what degree the Government—he (the Earl of Derby) was not speaking of the present Government, because it had been in power only a very short period, but of preceding Governments, or preceding Parliaments—had failed to give their attention to this most important subject, or to introduce a measure for the purpose of abating these evils, which, perhaps, after all, no human legislation could altogether do away with. He rejoiced that the noble Earl had seen the propriety of altering the terms of his Motion; because it would certainly have been his duty, and he thought he had the concurrence of the House, to have offered his opposition to his noble Friend's proposition as it originally appeared on the notice paper, namely, an Address to the Crown, praying Her Majesty to take steps to permit the metropolis to be no longer excluded from the advantages of the General Board of Health. Now, such a notice as that would have implied that on the part of the Crown some obstacle had been thrown in the way of Parliament, and that the Legislature had been prevented adopting measures which it might consider expedient. Now, he asked how far his noble Friend had proceeded in his recommendations for remedying the evils of which he justly complains? He was quite aware that his present Motion was not to extend the provisions of the Board of Health Act to the metropolis; but a few days ago that was his proposition, and that which he (the Earl of Derby) complained of was, that whereas on a former occasion he had a definite remedy, and pointed out a specific course to cure the evils, on the present occasion he was satisfied with laying before their Lordships the evil, without even suggesting the slightest legislative means for remedying or mitigating it. He confessed he was somewhat surprised at the course his noble Friend had taken, he being an active Member of a Board specially charged with the administration concerning the health of the country, and which had recently signed a report, which had been placed in his (the Earl of Derby's) hands since he entered the House, dated the 30th March, and which Board were constantly considering and suggesting such means as to their judgment seemed expedient for the purpose of remedying the evils. With his noble Friend and the other Commissioners there was associated the noble Lord at the head of the Board of Works (Lord J. Manners); and yet he believed the Motion his noble Friend gave notice of on a former occasion, as well as the Motion he had made that night, was made without any consultation with the noble Lord. He said, then, he should have objected on a former occasion to the proposition of his noble Friend, partly on technical grounds to the form of the Motion, and partly because he thought after what had formerly taken place, it would not be possible to place the metropolis under the control of the Board of Health. That proposition had been raised by successive Administrations, and it had been brought under the consideration of successive Parliaments, and the object had been anxiously sought for by successive Ministers. He saw a noble Earl opposite (the Earl of Carlisle) who was very anxious to introduce a measure of this particular nature; but he found the objections were insuperable, and he was obliged nominally to postpone it, but really to abandon it. A noble Duke whom he saw on the cross benches (the Duke of Newcastle), in a discussion which took place on the subject, said something to this effect—that, looking at the variety of interests and the immense masses of people which had to be dealt with, he was no more inclined to place the metropolis under the supervision of the General Board of Health, than he was to place under it the cities of Paris or Vienna. Therefore, he (the Earl of Derby) was less surprised at his noble Friend abandoning the intention of bringing forward his first proposition; but he must say he had left a great void in his case when he laid down a principle which had been assented to by successive Parliaments in successive years—that a great evil requires to be effectually dealt with—and did not give their Lordships the benefit of his experience and advice as to the direction in which the remedy was to be sought. He admitted that the prominent causes of disease, and a great portion of suffering, in the metropolis, were those to which the noble Earl had adverted: intramural interments, deficient supply of water, deficient sewerage, and large accumulations of nuisances which are permitted in various parts of the metropolis. He thought those were the four principal causes of disease, He said nothing of the smoke nuisance, which the noble Earl had also adverted to, but he took the other four as being the principal causes of disease, and even of mortality. With regard to the first, intramural interments, that was one which he was bound to say did press for very early and anxious consideration and for an early remedy; because the evils were, year after year, increasing in intensity, and no language—not even the forcible language of his noble Friend—could exhibit the fearful amount of disease which, he was convinced, was continually generated by the loathsome and disgusting practice of interment in the crowded churchyards and burial grounds of the metropolis. But that was not a subject which Parliament had lost sight of, or on which it had been slow to seek a remedy. Two years ago a Bill was passed, after considerable objection and opposition, giving to the General Board of Health powers of a very unusual and extraordinary character. That Bill had been altogether inoperative; and why? From two causes—partly because the powers of the Board were limited, and partly because the Board did not consist of a permanent administration. In consequence of a certain duration being assigned to the existence of the Board, they found it impracticable to carry into operation the great powers entrusted to them. If he did not mistake, they had compulsory authority to buy up the rights of all existing cemeteries. That was certainly a large power to be vested in anybody; but at the same time it should be considered that the evil to be dealt with was an extraordinary one. It was also empowered to adopt measures, with as little delay as possible, to provide land in the neighbourhood of London for interments, and—this was a matter which particularly affected the poorer classes—to provide for the decent and careful disposal of bodies in the interval between death and burial. It was found also that the necessary funds could not be raised without an appeal to the Legislature. The powers, too, given to the Board were of so extreme a character, that they formed a very serious obstacle to the practical working of that measure. It was proposed in the first instance that the Board should be entrusted with the absolute control of the funerals of all the persons dying within the limits to which the Act applied. They were to make an arrangement for the general interment, and they were to levy on the population a rate for the purpose of defraying the great expenses which it would involve. A great objection was felt to levying the rate, and not unnaturally, because a large part of the population would escape from contributing to an object in which all were equally concerned. Accordingly a general rate was abandoned; but it was provided that fees should be levied on all burials conducted by the Board, and that the Board should be at liberty, on the security of these fees, to borrow money for the expenses of the Act. But then it was found that the fees would not be large enough to enable the Board to borrow money upon them, unless it were compulsory that the funerals should be conducted by the Board. This, of course, would be giving to a Government board a great monopoly. It would be setting aside and superseding every private tradesman. Upon every death there would be a fee paid to this great monopolist company, whether the person were buried or not by them; and it would be a tax upon the deaths of those who had the wish and the means that their funerals should be conducted in their own manner. Parliament would hesitate to intrust any board with powers so extensive and arbitrary, unless it were clear that no remedy short of those powers would be sufficient. Now, he thought that the cemetery companies in the neighbourhood of the metropolis would be found very willing to contract with the parishes, and that many of the parishes would be desirous to have the power of purchasing and obtaining for themselves land, at a moderate distance from the metropolis, which might be set apart for the interment of their dead. In such cases a power (to which he was favourable) might be usefully exercised to prohibit intramural interments in metropolitan graveyards, now overcrowded. He thought it would be in principle more satisfactory, and in practice not less beneficial, to give a power to parishes to make those voluntary arrangements, either with the present or some future cemetery companies, than to give the large compulsory and arbitrary powers proposed to be vested in the General Board of Health. There was before the other House of Parliament a Bill for establishing a new cemetery near a railway, at a considerable distance from London, entirely removed from human habitations, and comprehending an area of 2,000 acres, which it was proposed to set apart for metropolitan interments, and to make in it suitable provision not only for separate parishes, but also for separate denominations of Christians. That Bill was now under the consideration of a Committee of the House of Commons. What might be the result he was unable to state; but if a Bill of that kind were capable of being carried into practical operation, that would supersede the necessity of such compulsory powers as were proposed to be given, and said to be necessary for the General Board. With regard to the water supply and sewerage, I do not hesitate to say that it would be most desirable to place the water supply and the sewerage of the metropolis, if possible, in the hands of the same Government Board, and to vest in one authority the superintendence of the whole of the vast and complicated machinery for securing a permanent and constant, and not an intermittent supply of water; and that the same company and authority which had the power of introducing water should also have the power of applying that water to the management of the sewerage, and the carrying away of that refuse which spread pestilence and death in the town, but which might be made the source of increased fertility to the land. Now, if it were a *tabula rasa* that Parliament had to deal with—if the vast interests of existing companies had not to be consulted, which had been found a practical difficulty in the way of all legislation that had been attempted—he had no doubt it would be better and more efficacious that there should be one single authority charged with the administration of the water and the removal of all offensive matter, than to vest the separate powers of water supply and sewerage in separate bodies, thereby losing the unity of action that appertained to a single authority. But there was great difficulty in deciding what that central authority should be. The practice of Continental Governments might be quoted; but other Governments were much more free to act for the benefit of the population than a Government subject to popular influences and control, and which had to study not only the interests, but the views and feelings, of those for whom they legislated. He did not dispute the advantages of cleanliness, and he agreed with the most rev. Prelate that cleanliness and decency were the handmaids of morality and religion. But it was not by Act of Parliament that you could compel people to be moral, decent, or clean; and in many cases legislation to enforce those objects would be opposed by the persons themselves for whose real and permanent interests they were legislating. [The Earl of SHAFTESBURY: No, no!] The noble Earl said "No;" but he had given their Lordships many instances of palpable neglect on the part of householders who were the very class whose pecuniary interests would be affected by their Lordships' legislation. [The Earl of SHAFTESBURY again intimated his dissent.] The noble Earl had told them of disgusting accumulations of filth, which led to contamination and death; and why were those accumulations permitted to remain, but through the neglect of the very persons more immediately concerned in their removal? The noble Earl had adverted to one particular pond, which was constantly filled with disgusting substances, into which pond the inhabitants were in the habit of throwing all their filth. Legislation against these persons would be directed against those who were most directly affected by the nuisance. He could not but think that with regard to this case and others similar, his noble Friend had undervalued the powers which the Legislature conferred for their removal and prevention. The General Police Act of 1839 gave very stringent powers for the removal of nuisances, and then what enormous powers—he might almost say what unconstitutional powers—were vested in the Metropolitan Commission of Sewers! There was hardly any limit to their powers. They could levy rates, remove nuisances, fill up ditches, cleanse the streets, establish water-closets and privies, and, in short, there was no limit to the powers vested in them. But in reference to sanitary measures to be adapted to an immense population, Parliament must consider in what manner the expense was to be borne, and in what manner control was to be exercised; and, however desirable it might be to provide for the cleanliness of the people by Act of Parliament, beyond a certain point the Government could not go on, and would not be permitted to interfere with the internal affairs of the people, and to vest such extensive powers in an irresponsible Government board. Health of Towns Act was an essentially voluntary measure. It was adopted at their own will and upon the application of the ratepayers, and the officers who were to carry it into effect were selected by them, and were responsible to them. Did his noble Friend propose to introduce the machinery of that Act into the metropolis, and to leave it to the option of parties and of districts to say whether they would have the General Health Act in force or not? If so, they would have to leave the elections of the officers, the management of the drainage, and the removal of nuisances in the hands of the parochial authorities of London. Was that the plan of his noble Friend? His noble Friend made no sign.

The EARL of SHAFTESBURY was quite ready to answer his noble Friend's question. His Resolution did not say one word respecting the Board of Health; it only says that "the sanitary state of the metropolis is one that demands the interposition of the Government." Had he brought forward the Motion of which he gave notice originally, his intention was to put the metropolis on precisely the same footing as any other large town in the kingdom, which was not the case. Any town in the country could petition to be placed under the Health of Towns Act, but the metropolis could not; and all he had contemplated was to put the metropolis on the same footing as any other large town.

The EARL of DERBY must say that his noble Friend had given a very candid answer as to what his intention was; but it was clear that his noble Friend, although he had altered the shape of his Motion, had not altered his views of what was expedient to he done, and that he wished to apply the Health of Towns Act to the metropolis, provided the parishes applied to be placed under its provisions. The elections to offices would, of course, be also under the control of the parishes, and there would be this necessary corollary, that there would be an independent action upon the sewers of the metropolis on the part of each individual parish. This, then, was his noble Friend's mode of meeting the difficulties that had been suggested; but those difficulties had been felt to be so insuperable that every Government had abandoned the design of including the metropolis in the Health of Towns Act. Was there any desire for such a Bill? Had any parish in London petitioned to be placed under the general Act? And, if all the parishes in London had petitioned to be placed under that Act, would the independent action of all be a beneficial mode of carrying out what his noble Friend wished? If this were not done, then they must fall back upon a Government Board, which would be charged with powers for levying an immense amount of rates, and which would interfere with the domestic concerns of every individual in the metropolis in such a way that public feeling would revolt against the assumption of such powers. He trusted that he should not be misunderstood, and supposed to be depreciating the importance of the object his noble Friend sought to obtain; but he did think that, considering his noble Friend's experience, their Lordships had a right to expect that he would not have been satisfied with affirming an abstract proposition that the question called for the immediate interference of Her Majesty's Government. The subject had received the attention of Parliament for several years, and his noble Friend ought not to be satisfied with calling upon their Lordships to affirm an abstract resolution of this kind. Occupying the position which his noble Friend did, both officially and personally, he would have dealt with the matter with more advantage to the cause which he advocated to their Lordships, if he had placed on the table a Bill, that might have been discussed, to carry out that particular remedy which his noble Friend thought best adapted to meet the case. He would not, as he had said already, dispute the importance of the objects which his noble Friend had in view, though he might object to the use of the words "immediate interposition" in the Motion of his noble Friend. The interposition of the Government in such a matter, to be effective, must be careful and well considered; it must also be real and prompt.

> "If it were done, when 'tis done, then 'twere well
> If it were done quickly."

But to call upon the Government for immediate interposition in a matter that had puzzled Parliament for ten years, was somewhat unreasonable. Still, so anxious was he not to throw difficulties in the way of so useful an object, that, protesting, to a certain degree against the words with regard to immediate interposition, he yet wished to acknowledge the great importance of the subject, and the desirableness of dealing with it as soon as pessible. It was, therefore, not his intention to oppose, or to call upon their Lordships to oppose, the Resolution which his noble Friend had laid on the table, that the present sanitary state of the metropolis was such as demanded immediate interposition.

LORD BEAUMONT thought the noble Earl (the Earl of Shaftesbury), had attempted to prove too much, for though he had not by any means overstated the evils occasioned by interment in towns and by want of drainage, yet he had unintentionally overcoloured considerably the defects of water supply in the metropolis, and had also stated as facts reports which, from evidence before him, he could not admit to be entirely correct. Take the New River district for instance. Out of 86,000 houses, not more than 2,000 houses were without a sufficient supply. There was ample evidence before their Lordships to prove that the water companies were willing to do all in their power to improve the supply and quality of water. Every one admitted the advantages of having a supply of pure water; but he had not heard any practical plan suggested better than the one adopted by the existing water companies. All the schemes that had been brought forward by the Board of Health, had been found either to be defective or impracticable. Besides, it had been proved by competent persons that the water supplied by the water companies was not so impure as asserted by the noble Earl. There was a daily and an abundant supply. He understood the noble Earl to deny such to be the case; but it seems now that he wishes to intimate that he was misunderstood, and that he did not assert that the present supply of water was deficient. If that were so, he must say he did not think the noble Earl had made out his case against the water companies.

The EARL of CARLISLE felt some delicacy in presenting himself, even for a few minutes, to offer any remarks upon the subject which had been so very impressively and fully brought before their Lordships' notice, because he could not but be aware that the late Government, of which he had the honour of being a Member, were often charged—and perhaps not entirely unjustly charged—with some shortcomings and deficiencies respecting legislation for the purposes of the public health. He was fully aware—and every one who had looked into the subject must be fully aware—of the extreme difficulties in which the whole question was involved, whether with respect to the interment of the dead, the supply of water, or the management of the sewers—such difficulties as must almost necessarily present themselves whenever an attempt was made to deal with long-existing interests, and where new modes of operation, under circumstances which were calculated to excite dispute and doubt, were sought to be introduced. He therefore hoped the noble Earl at the head of the Government would not think he was about to use towards him any expression of disapprobation or of distrust, or even of impatience, with respect to the proceedings of his Government. Perhaps, indeed, the danger most to be guarded against was, that the Government should too hastily attempt to deal with the questions brought before them, and thus arrive at an imperfect solution. The measure now before the other House respecting the supply of water, was open to doubt, by those who had considered the subject, and were competent to pronounce an opinion. What was really most to the purpose now, was to gain the attention both of the public, of Parliament, and of the Government, to the very critical state of things which at the present time existed. He felt that perhaps the main difficulty with which the whole question was beset, was the want of sufficient leisure on the part at least of the superior departments of Government to gain the necessary knowledge, and to give the necessary consideration to the subject. The subordinate departments—those which were specially charged with the question, especially the General Board of Health—had no doubt the necessary knowledge, and the energy, and the will; but most of the matters with which they had to deal, required—at least in their preliminary stages—the sanction and the guidance of the Treasury; and when any matter for new legislation knocked at the door there was a disposition—not on the part of one, but of all Governments—to consider it as a very importunate intruder, and to bid it go about its business. He thought, however, that the knock which had been given on this particular subject, had been so loud, and so general, as to compel attention and consideration in the proper quarter. What he chiefly wished was, that the noble Earl at the head of the Government should give his powerful and enlightened mind to the subject; and no one would rejoice more heartily, or applaud him more cordially, than he (the Earl of Carlisle) should, if the exertions of the late Government in the direction of sanitary improvement should be eclipsed and put to shame by the superior zeal and efficiency which the present Ministry might bring to bear on the subject.

The Earl of HARROWBY was convinced that unless the attention of the country could be constantly kept alive to the magnitude and extent of the evils now in existence as regarded sanitary matters, no Government would ever take upon themselves to overcome the vested interests which stood in the way of improvement. He was afraid, in fact, that nothing short of another cholera would do it. The statement of the noble Earl (the Earl of Shaftesbury), he (the Earl of Harrowby) hoped would do somewhat of the same service. Any scheme, to be efficient, must interfere so much with these vested interests, that unless the public were fully impressed with the absolute necessity of action, nothing would be done. Now, he thought the noble Earl at the head of the Government had magnified the difficulties in the way of improvement, and made them appear of so formidable a character, that the effect of his speech, he feared, would be not only to discourage this House from interfering, but to encourage interested opposition. The noble Earl had remarked upon the difficulty of dealing with this question by legislation, in consequence of the apathy which he attributed to those whom it was intended to benefit. Now, it was not the apathy of the lodgers and occupiers of house property with which they had to contend, but it was the opposition of the owners, whose only object was to make the uttermost penny of their tenements with the least possible outlay. Parliament was not asked to make the community clean, but to enable them to make themselves clean. They should recollect that the question at issue was the lives, the morals, the habits and the comforts of two and and a half millions of people; and for objects like these difficulties must be overcome, opposition must be encountered, minor objections must be disregarded, or nothing effective could be done. As it was, the position of things was most discouraging. In some respects it had retrograded; public opinion was growing indifferent, Governments had grown hostile, the *vis inertia* was predominating, the vested interests were in the ascendant. In the matter of intramural interments things were left in a worse position than they were before; the Sewers Commission was paralysed and crippled; the prospect of spring water for the metropolis was at an end; and it was highly necessary that the attention of the public, of this House, and of the Government, should be fixed upon the importance of the question, and that they should not be deterred from grappling with it by interested opposition. He begged, therefore, to thank his noble Friend (the Earl of Shaftesbury) for bringing forward this question and bringing the alarming facts of the case afresh before the public eye; and he hoped that it would not be ineffective towards renewing some degree of activity and inspiring fresh life into the proceedings of the Government on this great question.

The Duke of NEWCASTLE was sure the noble Earl (the Earl of Derby) would forgive him for saying that the spirit in which he seemed to have commented upon the difficulties of this question would, he feared, have a tendency to increase that want of attention to this subject which had been growing for the last two or three years, mainly in consequence of what had been alluded to by the noble Earl on his right (the Earl of Carlisle) the want of perfect acquaintance with the subject on the part of the heads of the Government. This was one of those questions upon which the public must take a great interest if any effective legislation were to be introduced into Parliament; they must be convinced not only of the importance of the subject, but also that great sacrifices of prejudice and opinions must be made in order to carry out any effectual improvements in the present system; for without combined action no great advantage could be expected. He should have rejoiced, therefore, if the noble Earl at the head of the Government had given rather more encouragement to the cause of sanitary improvement, and had held a less discouraging tone as regarded any future exertions in that direction. Though he (the Duke of Newcastle) did not underrate the difficulties in the way of legislation, he thought the noble Earl had in many respects exaggerated them, and especially he had done some harm by urging so strongly the obstacles which interpose in the way of the machinery by which this measure was to be carried out. No doubt there were great difficulties, but by no means insuperable ones; and it only required a fixedness of the public mind upon the magnitude of the present evils to cause an entire agreement as to any well-considered measure which might be brought forward by the Executive. The noble Earl had entirely misunderstood what had taken place in a previous Session with reference to the comprehension of the metropolis under the jurisdiction of the Board of Health. The objections then raised on his (the Duke of Newcastle's) part were not that the General Board of Health should have jurisdiction over the metropolis, but that the metropolis should be included in the same Bill as the towns in the country; and what he said on the subject was, he believed, this — that he had been most anxious, in the first instance, to include the metropolis, but found it to be impossible, on account of its immense magnitude, and he therefore wished a separate Bill to be introduced similar in principle to the general Bill; but he was far from wishing not to place it under the General Board. As regarded the control of the sewers of the metropolis, which was vested in a Board appointed by the Crown, although several attempts had been made to remodel that Board, and the number of its members had been reduced, first from 500 to 40 or 50, and afterwards to 12, some further alteration of that body would, he believed, be required before they would be enabled to carry the necessary sanitary measures into full and fair operation. How was it now constituted? There were among its members several distinguished individuals, some of them engineers of the highest eminence in their profession, but whose time was invaluable to them, and from whom it was utterly impossible to expect such attention to their duties as would enable them to be effective at the Board. Unless the number of members were still further reduced, say to three or five, who must be a paid body, he was confident the important functions appertaining to the Board would never be properly discharged. Unless we had a small paid body we could not expect them to pay that attention to their duties which would enable them to oppose the jobbing tendencies of interested individuals, and to carry out their measures effectually. The noble Earl at the head of the Government had greatly overrated any opposition which might be expected from those for whose benefit sanitary measures were intended. As for believing that any opposition would be made by the poor who paid such large rents for their miserable holdings, he, from some little personal experience, entirely disbelieved any such thing. In the same way he thought the noble Earl had discouraged those efforts for extramural interments which never could be effected by any private companies. Again, with reference to the water companies, he believed that question might have been now in a far better position than it was, had it received a favourable consideration from the Government. He did hope that the noble Earl who had just now thrown some discouragement upon the progress of the cause of sanitary improvement in the public mind, would take an early opportunity in another Session of Parliament of proving that, though by his words now he had not answered public expectation, he was willing by his acts then to do all that a Government could do in forwarding this great object. He did hope, too, that the noble Earl (the Earl of Shaftesbury) would, in the next Session, take an early opportunity of pressing the subject again on the attention of Government.

The Earl of SHAFTESBURY explained that he had made no complaint as to a defective supply of water, but he had complained of its bad distribution. He had to complain also that the noble Earl replied to him on the supposition that he had made a Motion which he did not make. The noble Earl had objected to the proposed scheme for extramural interments; but he was satisfied that the scheme which had been proposed would be found practicable, and suited to the object to be attained.

The Earl of DERBY thought very possibly he might have said more than he intended to say, if it were conceived for a moment that he denied that the poorest classes would not thankfully accept any remedies which might be placed at their command. What he did say was, that in legislating or enforcing cleanliness upon any district, the Government had to contend against the apathy and indifference of a large portion of the inhabitants of that district—meaning by that a large portion who, pecuniarily, might be considered to suffer, and who regarded that pecuniary consideration as superior to the advantages which they would gain by the change. He hoped it would not be supposed that he had thrown cold water upon the earnest efforts of the noble Earl; but he was anxious that their Lordships should not hastily commit themselves to the Motion of the noble Earl, calling for the immediate interposition of the Government; and he had, therefore thought it necessary to point out the difficulties which he saw in seeking to accomplish an object which he was sure even his noble Friend had not more at heart than himself. He would submit that if the noble Earl really pressed for the adoption of his Motion, to which he (the Earl of Derby) made no objection, the words "immediate interposition" were stronger than their Lordships ought to sanction, and that his noble Friend should substitute either the "immediate attention of the Government," or "the interposition of the Government," to which there could not be the slightest exception.

The EARL of SHAFTESBURY said, he should willingly substitute the word "attention" for that of "interposition."

On Question, Motion as amended, *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 29, 1852.

MINUTES.] NEW WRIT.—For the County of Carmarthen, *v.* the Hon. George Rice Trevor, now Lord Dynevor.

PUBLIC BILLS.—1° Patent Law Amendment; Episcopal and Capitular Revenues, &c.; Registration of Births, Deaths, and Marriages.

3° Enfranchisement of Copyholds; Repayment of Advances Acts Amendment (Ireland).

UNSTAMPED PUBLICATIONS—THE "HOUSEHOLD NARRATIVE."

MR. SCHOLEFIELD was anxious to put a question to the hon. and learned Attorney General in reference to the prosecution instituted by the Board of Inland Revenue against the *Household Narrative*, and the steps which it had been intimated would be taken to appeal against the judgment of the Court of Exchequer in this case. He understood the hon. and learned Gentleman, in reply to a question put by him (Mr. Scholefield) on a former evening, to say that in consequence of the case having been argued before the Court as a special case, he could not go for a writ of error upon it, and that it would be necessary to have the case argued again. Subsequently to that it was understood, erroneously as he presumed, from a statement made by the hon. and learned Gentleman, in answer to the right hon. Member for Manchester (Mr. M. Gibson), that his intention was changed in that respect; and inasmuch as uncertainty as to the intention of the Government was most prejudicial in this matter, perhaps the hon. and learned Gentleman would now state what course he intended to take?

The ATTORNEY GENERAL was obliged to the hon. Gentleman for giving him the opportunity of correcting a misunderstanding which appeared to prevail in reference to his answer to the right hon. Member for Manchester. What he meant to say was what he had before stated, namely, that the case of the *Household Narrative* having been decided on a special case, agreed to between the parties, no writ of error could be brought upon it; but that, as the Court of Exchequer had delivered its judgment, not unanimously, there being three to one in favour of the defendant; and his predecessors in office having been of opinion that the judgment of Mr. Justice Crompton was more in consonance with the law than those of the majority of the Judges; and he (the Attorney General) having taken the matter into his consideration, it appeared to him that the law was in an unsatisfactory and unsettled state, and that it would be necessary to obtain the opinion of another tribunal. For that purpose it would be necessary to institute other proceedings in the Court of Exchequer, where, very probably, the previous judgment would be confirmed, and then the matter could be carried to a Court of Error, where it would be finally decided.

MR. BRIGHT wished to know if instructions had been given to the authorities at Somerset House to take the necessary steps for proceeding with the writ of error immediately; and, if not, whether other publications, similar to the *Household Narrative*, would be allowed to circulate unstamped without being interfered with?

The ATTORNEY GENERAL thought the latter part of the question called for the expression of a legal opinion whether such publications were liable to the stamp duty or not; which he must, at all events at present, decline answering. But in reply to the first part of the question, he had recommended to the authorities that proceedings should be instituted in the way he had stated, for the purpose of obtaining the decision of a Court of Error; and he had no doubt that in a very short time they would be taken.

MR. HUME would remind the hon. and learned Gentleman that a decision had already been given in favour of the publication—and what he wanted to know was, whether until the point of law was settled on appeal in error from that decision, publications of the same nature as the *Household Narrative* would be allowed to circulate unstamped without interference?

The **ATTORNEY GENERAL** thought that was rather a question for his right hon. Friend the Chancellor of the Exchequer; but he should think until the law was finally settled, no interference would take place.

MR. HUME had put the question to the right hon. Chancellor of the Exchequer. The law had decided that the publication in question was legal, and it was a quibble worthy of the Government— ["Order, order!"] Yes, he said it was a quibble worthy of them to interfere to prevent the circulation of publications declared by the Court of Law to be legal until that decision was set aside. He wished to know from the right hon. Chancellor of the Exchequer whether he would allow such publications to continue until the final decision was obtained?

The **CHANCELLOR OF THE EXCHEQUER**: As a general rule, I am sorry to say that I cannot sanction any indulgence that might endanger Her Majesty's Revenue.

Subject dropped.

EPISCOPAL AND CAPITULAR REVENUES —CHURCH EXTENSION.

The **MARQUESS of BLANDFORD** rose and said: Sir, I rise in accordance with the notice on the paper of this House, which has for some time been standing in my name, for the purpose of moving for leave to introduce a Bill to enable Her Majesty further to regulate the duties of ecclesiastical personages, and to make better provision for the management and distribution of episcopal and capitular revenues. And, Sir, if ever there was an occasion when it was necessary for the House to extend its accustomed patience and indulgence, it is not only while I detail the provisions of the measure which I am about to ask for permission to introduce, but also while I state the motives and the reasons which induce me now to undertake a task which might well be committed to older, abler, and more experienced hands. My path is laid in the region of possible mistake on my part; but, Sir, in spite of the many difficulties which may well be supposed to wait upon the steps of a private Member of this House in bringing forward a measure which ought to have emanated from a Government, rather than from an individual, there are some circumstances which contribute to make me feel that, although it cannot be the lot of any one, however disinterested his motives, or however earnest his desire for his country's good, to submit a measure in every respect unobjectionable, yet I am sure, Sir, the high subject to which I am about to address myself will gain for me an attention which the House has already kindly accorded to me on a previous occasion; and I may even cherish a hope that such a response will be elicited to my appeal, both in this House and out of doors, as will induce Her Majesty's Government to give some promise that they will seriously consider how they can best promote the better administration of that Established Church which I rejoice to think is still one of the best bulwarks of our free institutions, and is yet associated in the hearts and homes of Englishmen with all that is time-honoured, sacred, and revered. Sir, it is impossible that I can forget the more than looked-for response which I obtained from the House last Session in the endeavour that I then made to urge as earnest an appeal as I could on its sense of the propriety of recognising the vast amount of spiritual destitution existing throughout England and Wales. I need not remind the House that, without a division, they adopted an Address to the Crown, praying Her Majesty to take into Her gracious consideration the spiritual destitution of the country. I then endeavoured, Sir, to show how wide and how general was the destitution of which I complained, and how impossible it was for the Church in her then position to meet it; and I made some propositions, which were drawn from reports that were then before Parliament. And although what I then stated—as I must freely admit—did not meet with a universal concurrence; nor, indeed, did I then wish to pledge the House to such a concurrence; yet what I said had this effect, that it proved our system was not inert—that the resources of the Church were not entirely exhausted, but that they only needed a wise and judicious treatment to enable her to expand with a power commensurate, in some degree, with those necessities which we are bound, as far as it is possible, to consider and to alleviate. Well, Sir, the answer which Her Majesty returned to that Address was in every respect most satisfactory. Her Majesty commanded the Minister through whom Her gracious Answer was made, to inform this House that the attention of Her Government had been previously directed to the best means of rendering the resources of the Established

Church more available and more efficient to afford a provision for the spiritual wants of the people in England and Wales; and that the House might be assured of Her cordial concurrence in the adoption of all well-considered measures for promoting this important object. Well, Sir, I admit that, under such favourable auspices, I am more than ever encouraged to invite the attention of the House again to this subject. For myself, I have nothing more to offer as my excuse but much anxious thought, and an earnest love for the Church of England; but I carry with me the recollection of what has already taken place; and, therefore, I feel that, in the avowal I am about to make of very important principles, I need not shrink from the trial to which they will be subjected; because, Sir, I am convinced that the House, alive with me to the cry of thousands of my perishing fellow-countrymen, will acquit me of any rash or reckless desire unnecessarily to disturb our existing laws or established institutions. The motives which have induced me to bring forward this measure are twofold. The first is, the necessity acknowledged by all of enabling the Established Church to extend its ramifications through the whole mass of our rapidly increasing population; and the second is, the desire to remedy the abuses which are known to exist in the Establishment, and which, though less than might be anticipated, considering the varied state and the complicated nature of our social relations, are yet sufficient to elicit sorrowful and humiliating confessions from many a true friend of the Church, and to afford a fair mark for the sneers and sarcasms of her enemies. If we ask whence these abuses originate, we may say that they proceed from a want of sufficient legislation on matters of this nature; I feel that we should not be rendering justice to those to whom the administration of Church affairs is intrusted, if we were to ignore the exertions they have made to remedy this evil, and to extend the Establishment in some proportion with the rapidly increasing population. But the legislation has been always tardy, or rather it has been extorted by the pressure of existing circumstances, rather than framed with a view to meet the exigencies of the future. Where are the Acts of Parliament—with the single exception of that of 1843—which can be said to have had consistent regard to our increasing population? That Act of 1843 the late Sir Robert Peel said was intended to lay the foundation of extended usefulness to the Church. If so, where is the structure that ought to have been raised upon it? I think that by this time we ought to be enabled to see its proportions, and be enabled to augur of the future fitness of the structure. It is not alone, therefore, that the wants of the people, but even regard to the memory of those who are gone, that should induce us to engage in this inquiry. If we turn to another point of view we see that by our present arrangement the duties imposed upon the prelates of our Church, place them in a position where those duties are either impossible to be discharged, or on the other hand we see the facilities that are afforded for those who ought to be exercised on the highest and noblest duties of the Church, to be weaned from those duties by the secular cares which are imposed upon them. I shall now state to the House the course which I propose to pursue. First, I shall recall to the recollection of Members the interest which has been shown by Monarchs and Parliaments through a long period with regard to all matters connected with the Established Church of the country. I shall then trace the course which the Legislature has adopted to remedy recognised evils. I shall turn to a few leading points that we may see how far those evils still remain unalleviated; and then I shall state the measure I propose, which I trust will be found to be in accordance with the acknowledged principles that were adopted in the face of similar circumstances. True, I might have adopted a different course. It would have required but a small amount of labour and perseverance to have laid before the House an array of figures that would have aroused the spirit of the public at no distant day to secure the success of some such measure. But I prefer a different method—I would rather recall the attention of the House to the bygone interest that was taken in the Church, than by any distressing statement arouse less tolerant or constitutional feelings. With regard to the first point, it would be an easy matter to accumulate ample proofs from the records of our Statute-book, showing the deep interest that was felt by successive Sovereigns and Parliaments in the well-being of the Established Church. There was an Act in the 21st of Henry VII. which was enacted, as the preamble states, for the quiet and virtuous increase and maintenance of divine service, and for

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the teaching and preaching of the word of God. Another Act was passed in the reign of the same monarch for the creation of eighteen suffragan sees—an Act which has never since been repealed. In succeeding enactments there are traces of the same spirit: thus, for instance, one of the Acts of Charles I. declares that the office of the ministry is of so great importance, as to occupy the whole man. In the reign of Queen Anne we had the foundation of the Bounty Board, and a vote of the House of Commons of 100,000*l.* a year; and in the year 1711 the Commons of England declared their opinion that the want of churches greatly contributed to the increase of schism and irreligion, and that they would not fail to do their part to supply that defect, notwithstanding the expensive war in which they were engaged; and they placed their opinion upon the Statute-book, that the Commons of Great Britain were zealous to provide a supply of churches for the instruction of all the inhabitants in the true Christian religion as professed in the Church of England, and established in this realm. In 1724 his Majesty sent a message to the House of Commons, that he was sensible that nothing could more engage Almighty God to send down a blessing upon his Crown and people than a due zeal for the honour and service of religion. In 1818, at the close of a long and protracted struggle, we find a new enlargement of the same principle; for the evil arising from the spiritual destitution of the country is one of the calamities for which Parliament engages to provide a remedy. In the same year was afforded a memorable example, both in the Speech from the Throne, and in the response of Parliament, by voting one million of money, that there was a determination on the part both of the nation and of the Sovereign to recognise the claims of the Establishment. In the provisions of that Act we trace the commencement of an important principle which has come down to our own day, a spur to private benevolence, and of the most vital consequence to our national prosperity. In 1835 a Royal Commission was appointed to inquire into the condition of the Established Church. The effects of that Commission on the vital interests of the Church cannot be overestimated, for by it an important principle has been laid down, to the beneficial tendency of which I shall afterwards draw the attention of the House, though, perhaps, it was not at the time carried out to a sufficiently comprehensive extent. The principle which at that time received the sanction of Parliament was this—that we might amend the distribution of the revenues of the Church, always having regard to the sanctity of the property belonging to the Established Church. In 1838 a Commission was appointed to inquire into leases of Church property, which issued in most important consequences. In 1840, the Act passed which removed all obstacles to Parliament interfering in the distribution and arrangement of the revenues of the Church. In 1841 an attempt was made by the hon. Baronet the Member for the University of Oxford to revive the ancient spirit which animated Parliament in 1818. But a new principle had been laid down; the probable value of Church property had been by this time discovered, and in 1843 was introduced the principle that it was to her own resources that the Church must look for the means of her further enlargement. In 1847 the claims of the increasing population, and the increase in the numbers of the clergy, were recognised as causes for the increase of the Episcopate; and the noble Lord the Member for the City of London, who was then at the head of the Government, declared what were the new sees which the Commissioners had agreed to recommend—one to relieve York and Lincoln, one for St. Albans, Southwark, and Bodmin. Thus the increase of the Episcopate was declared to be one principle of the extension of the Church. Other attempts were made to induce Parliament to consider the evils of our cathedral establishments, to ascertain the amount of Church property, to rearrange the number of parishes, and to build new churches. I think I have said enough to show that a feeling of interest in the Established Church has at all times entered deeply into the public mind, and I am sure that there never was a time when the reasons were more urgent than at present to recommend the Established Church to the reason and conscience of the nation. Now, in marking the principles that have been adopted on the subject of Church reform, let me first of all direct the attention of the House to the steps that have been taken with regard to the commutation of tithes. Nothing could exceed the evils which that Act was introduced to abrogate. The greatest benefits that might otherwise have been derived from a resident ministry, were neutralised by them, till by the introduction of this

Act an effectual bar was placed to all complaints, and the property of the parochial clergy was placed on a basis where they might enjoy it unalloyed by odium and misrepresentation. That Act provided that the clergy should receive their income in money payments, and there was introduced a third party, by whom the revenues were collected and paid over to the clergy. This, I think, was an important principle, and one which I believe the circumstances of the times render necessary to carry further in its application. I shall pass on to other principles which were dictated by emergencies as they arose: those emergencies consisted of wants, and of abuses. The abuses consisted of the enormous incomes enjoyed by corporations, sole and aggregate; of sinecures or salaries attached to the performance of ridiculous and unreal duties, while many thousands of human beings were totally unprovided with the means of religious instruction on the part of the Church, and a population has grown up around us uncared for and uninstructed. Squalid might be their lives, and dark might be their end, still we must not conceal the truth that the Established Church was there. But she had not learnt to sacrifice her ease, and, therefore, she did not know her power to reclaim. The Commission proceeded in the first place to show the disproportion of the dioceses, and how immense some of them were—six dioceses containing on an average 840 benefices—and then they proceeded to repartition almost the entire kingdom, the amount of the population as well as the number of the clergy being taken into account at the distribution. The state of the episcopal and capitular revenues at that time is too well known for me to detain the House with them. There were 26 deans and 211 canons enjoying revenues which were returned at 230,000*l.* a year, and there were 70 sinecure rectories, returned at 30,000*l.* a year; revenues amounting in all to 260,000*l.* a year, to which there attached either no duties, or such as were utterly frivolous or imaginary. Now, for the wants of the Church. It appeared from this Commission that there were 3,200 livings under 150*l.* a year, and the sum that was required to raise these incomes to a scale fixed by the Commissioners was estimated by them at 279,000*l.* a year. There were four districts in London, with an aggregate population of 166,000, in which there was only church accommodation for 1-20th of the population and eleven clergymen; and it was calculated that there was a destitute population of 1,000,000 souls, for whom would be required 279 churches. Other dioceses were proportionately in want of church accommodation, to the extent of from 1-6th to 1-13th of the population. Another and a most important question was, how to provide a portion at least of the 279,000*l.* which was required for the wants of the working clergy. Then it was that the decanal and prebendal revenues could not be overlooked, and accordingly we find an act of the Commission suspending 60 canons, 4 deans, and 360 prebends, whose united revenues amounted to 130,000*l.* a year. Some of the canonries were made useful by being attached to professorships; others to the beneficial cure of souls; but this was the essential fact, that the hand of the law was not withheld from the constitution of the chapters, but it gathered their property, and Parliament declared that the intentions of the founders of these institutions were no longer being carried out, unless they could at the same time be rendered conducive to the extension of the parochial establishment. Before I proceed to the reasons which render it necessary that a still further appeal should be made to Parliament in the same direction, it is right that I should glance at what has been already done. I find by the last report of the Commissioners that they have constructed 233 ecclesiastical districts out of the funds which have been placed at their disposal, at an annual charge of 18,000*l.*, and that they have augmented the livings of 820 benefices, at an annual charge of 45,000*l.* But by the report for 1835 it appeared that the total amount of augmentations for benefices that was then required was 279,000*l.* per annum; and the Commissioners there make this remarkable statement—they say it must at once appear obvious to every one how desirable it is that there should be a resident incumbent on every benefice; and that if these livings were not augmented, the accomplishment of that object would be impossible. The increase of the population that has occurred since that estimate was taken, would probably vary the estimates if the inquiry were again gone into; and I have little doubt that the estimate would not now fall much short of 300,000*l.* Taking into account, then, all that the Commissioners have done, and the sum that has been expended in increasing the endowments of small livings, there will still remain 200,000*l.* a year to be provided for. With regard to another point, let me repeat what I said last year with regard to the extent of the dioceses:—

Dioceses.	Benefices.	Clergy.	Acres.
Norwich	909	1,237	2,211,060
Lincoln	794	1,103	2,182,650
Exeter	658	916	2,491,220
Winton	516	807	1,493,030

In districts so vast as these it is impossible that there should be any effectual superintendence, and accordingly in most of them scarcely any superintendence is even affected. In fifteen of the principal dioceses of England and Wales, I shall not be far within the mark when I say that if the bishops of sixteen principal dioceses in England and Wales were personally to inspect all the benefices under their charge, it could only be done in a period of time varying from four to eight years. With reference to the church accommodation required, I have here, Sir, a return on which great reliance may be placed:—

	Existing parishes.	Existing churches.	Churches required.	Church Accommodation.
Lichfield	55	163	75	1-3 to 1-16
Llandaff	28	44	33	1-3 — 1-50
Oxford	23	40	24	1-3 — 1-6
Ripon	34	223	62	1-5 — 1-14
Worcester	32	75	22	1-4 — 1-15
Winchester	49	149	34	1-3 — 1-12
Gloucester and Bristol	28	69	23	1-3 — 1-7
Chester	43	254	23	1-4 — 1-10
Exeter	46	86	19	1-4 — 1-14
York	31	101	20	1-3 — 1-17
St. David's	11	34	19	1-4 — 1-18
Durham	41	104	26	1-4 — 1-20
London	67	280	53	1-4 — 1-15
Manchester	21	249	80	1-4 — 1-11

Sir, it is scarcely necessary to enter further into these subjects; yet I will say as to the want of church accommodation and of clergy, let any Member take up the *Clergy List*, and allow 2,000 for the number of persons who might be efficiently superintended by a clergyman, and if he will compare the number of the clergy with the population of any of our great towns, he will find how extreme is the disproportion and the deficiency. Let me also point out to the House, one act of the Legislature necessarily leads to another. I have already alluded to the districts that were created in 1843. In each of these a resident clergyman has been placed, a new life has been diffused, and consequently new wants have been felt. I have in my hand a letter from an incumbent of one of these districts, of which I should like to read an extract to the House:—

> "The population are chiefly colliers, quarrymen, and small factory operatives, in number 2,711, only one gentleman resident, who is a member of the Church of Scotland. It was not without the most persevering effort during the last seven years that a church and school had been provided for this people, and benevolent persons in different parts of England, Wales, and America have contributed towards the objects, without which the case was hopeless; yet the sum of 350*l.* remains a debt upon these buildings, for which the minister alone is responsible. I have no house, except a very small cottage, unfit indeed, for any clergyman, nor does the neighbourhood afford any better."

Now this proves how inadequate is the provision that has been made for these districts. The clergyman is a man of superior education, but his income is scarcely superior to the wages of a mechanic. He is not able to accomplish the objects which he sees to be necessary; and, dispirited in mind and wearied in body, he looks to the only source that can give him an increased endowment, or give him a curate which his own means are not able to provide. I might here mention to the House one or two points with regard to those parishes whose tithes are held by chapters, and the inadequate provision that has been made for the incumbents of those parishes. Let the House give their attention to this state of matters:—

		Great Tithes.	For the Incmbnt.
Bristol	Chautdown	1,022	88
Norwich	Aldeby	735	64
	Sprouston	730	94
St. Paul's	Lingsbury	500	46
Westminster.	Malton	528	93
Worcester	Bedwanline	422	90
York	Hornby	640	98
Southwell	Kneesall-with-Boughton	974	100
	Kirklington	500	49
Windsor	South Courtney	1,475	148
	St. Germans	1,615	150
	Froxfield	742	122

These then are the wants, and these the abuses, of the Established Church; and in tones of the most thrilling eloquence, they appeal to this House for a remedy. Believing, as I do, that this is a state of things which lays the Church by law established open to just reproach, I propose as a remedy, a still further extension of those great and important principles to which I have already alluded. My proposition will relate to the constitution of chapters, to the formation of new sees, and to the modification and management of church property, for which, though I do not say that I can assert a precedent, yet I believe that the acts of this House have already paved the way, and pointed in that direction. But first let me point to the ancient constitution of the chapters. They were originally the bishops' councils, as is proved by the following extract from Burn:—

> "The surrender of the lands and possessions of the dean and chapter doth not dissolve the corporation. This was declared in the case of the dean and chapter of Norwich, who, having conveyed their lands to King Edward VI., and being incorporated anew, had their lands re-granted, and made a lease by their own name, and it was adjudged to be a good lease, because, notwithstanding the said conveyance of lands, the old corporation of King Henry VIII. remained, the reason of which was that the two principal ends for which the deans and chapters were instituted (the first to advise the bishop in spiritualities, and the second to restrain him in temporalities), might be well answered by them, though they had no temporal possessions." "By degrees the dependence of the dean and chapter on the bishop, and their relation to him, grew less and less, till at last the bishop hath little more left to him than the power of visiting them, and that very much limited. And he is now scarcely allowed to nominate half of them to their prebends who were all originally of his family."

With respect to the duties of deans, I find that the dean, by the 43rd canon, was expected to preach not only in that church where he had long been bound by law and custom to officiate, but also in other churches, and especially in those from which the chapter received their rents and profits. I leave the House to consider how far that provision is now carried out with respect to deans. I propose by this Bill that we should return as near as possible to the ancient form, and that the bishop should occupy the chief position in the chapter by becoming both bishop and dean; and that at the next voidance of a deanery the bishop should become both bishop and dean; and that the successor of the bishop should occupy the decanal residence and reside in the cathedral city. I believe that this re-regulation would be attended with great benefit. It would place the bishop in a recognised position in the chapter, with which he now occupies a most invidious position; in the second place, it would bring him within easy distance of his parochial clergy; and, in the third place, the sum of 36,000*l.* a year would be provided for the other wants of the Church. I propose that either at the voidance of a deanery or before it, if necessary, steps should be taken for a revision of the cathedral statutes, and that the Ecclesiastical Commissioners should direct inquiries to be made as to the value of all sums that have been left for educational purposes to the cathedral, with the view of having them distributed in an efficient manner. One of the leading features of the proposition is, that the chapters should be made useful as educational establishments; but the House will see that it is impossible without an extended knowledge of these matters to enter minutely into the question, and therefore I propose that the Ecclesiastical Commissioners should enter into a careful inquiry of the whole subject, and where it shall appear to them necessary, to extend the form of the statutes. With especial reference to these objects, then, I propose to provide a remedy for the sinecure nature of cathedral appointments. That the offices of dean and canon are sinecures, is proved by their being exempted from the operation of the law against pluralities, which was enacted in the reign of Henry VIII. But at this day, when every endowment in the Church is of special value, and nothing can be thrown away, these sinecures cannot be permitted to exist. By the Act of 1840 it was enacted that the average income of a canon should be from 500*l.* to 600*l.* a year. This may be supposed to be a reasonable income for a clergyman; but the total value of all the benefices held by the canons exceeds the amount of the canonries themselves; and, therefore, the question presents itself, are both these sources of endowment required for the same person? If the canonry is to be united to a benefice, then let the income of the benefice form the endowment of the canonry, and let the endowment of the canonry go to the common fund. I propose, therefore, to suppress the canonries which are not now united to professorships or benefices; leaving two canons residentiary in each cathedral and the minor canons to do the working duties. I do not propose that the canonries should be entirely extinguished, but that the statute of 1840 should be re-enacted, which provided for the suspension of canonries being removed from them, by endowing them with a benefice. I propose that a certain number of benefices should be selected by the Ecclesiastical Commissioners, which should on the next vacancy be united with canonries, and that the canonries and benefices so united should be placed in the patronage of the bishop of the diocese, these being benefices now in the gift of any ecclesiastical corporation, sole or aggregate; and in the event of any benefice being so chosen which is now in the patronage of the Lord Chancellor, I propose that the patronage of canonry to which it shall be united shall be vested in Her Majesty. I propose that by means of canonries endowed with benefices in this manner, the number of the canons in the chapter should be increased to twelve. With regard to the duties of the chapter, I must ask the House again to recur to an ancient precedent. Burn, speaking of the ancient constitution and duties of chapters, says—

> "They were likewise called *Decani Christiantatis*, because their chapters were courts of Christianity or ecclesiastical judicature, wherein they censured their offending brethren, and maintained the discipline of the Church within their own precincts."

I propose to return in a manner to these precedents, and for these purposes, that the chapter shall take the place of the Commission now appointed by the Church Discipline Act, to be issued by the bishop for the purpose of instituting a preliminary inquiry in cases of ecclesiastical offences; and that if in any case the chapter consist of less than five members, the bishop shall have the power of appointing substitutes for the occasion. These are the modifications which I propose for the chapter: the further effect of which will be that about 26,000*l.* will be provided for the other wants of the Church, making, with what I have before alluded to, the annual sum of very nearly 60,000*l.* per annum. With respect to the important point of sees, I am not now about to defend the order of episcopacy, for I am not now going to propose its institution for the first time. It is that on which the Church is founded; and it is my opinion, and one from which I will never shrink, that in every attempt to extend that Church, we must be equally careful to extend the episcopate. To act otherwise, would not be to act constitutionally. We must endeavour to impress the public mind with a sense of its utility and efficiency, for to leave it in its present state would only be to connive at that which at no distant day may be aroused against it—an intolerant, perhaps a revolutionary, feeling. I therefore propose as a first step towards the increase of the episcopate, the erection of two new sees, one at Westminster, and the other at Bristol. I propose that the see of Westminster should be erected on the voidance of the deanery, and that the bishop should become dean and bishop. I propose that the see of Bristol should be again severed from that of Gloucester on the voidance of the see of Gloucester, and that on the voidance of the deanery of Bristol the bishop should become both dean and bishop. This principle I should hope to see extensively carried out; but with respect to other deaneries, the Bill which I have the honour to present to the House will be merely permissive. It enacts that henceforth the Ecclesiastical Commissioners should lay before the Queen in Council all the recommendations and memorials they may have received touching the division of any diocese, and that upon the voidance of that see, they may either themselves proceed to divide the diocese, or the Queen in Council may direct the diocese to be divided. I have thus endeavoured to invite the expression, on the part of the Church generally, of an opinion upon the matter, and to provide that by this means relief may be placed within her reach. Well, Sir, I propose that upon the division of any diocese a place should be selected in it by the Ecclesiastical Commissioners, and the place so selected should become the cathedral of the diocese, and that the incumbent of that place, provided that an arrangement can be made with the patron so that the patronage should be placed in the hands of the bishop, should become one of the canons of the chapter; that the bishop should have the power of nominating the incumbent of one of the benefices in the diocese to a canonry in the chapter, provided that a similar arrangement can be made; and that, under similar circumstances, a certain number of livings should be selected by the Ecclesiastical Commissioners, which upon the next voidance should be permanently united to canonries, and placed in the patronage of the bishop, and thus a chapter should be gradually formed around the bishop. This is the proposition that I have to make with regard to the erection of new sees. I must now make a very brief statement with regard to endowments. By the Act of 1840 it was provided that the average income of every dean should be 1,000*l.* a year, with some exceptions; and that the average income of no bishop should be under 4,200*l.* The principle on which I have proceeded is, that the income of any dean, together with a portion deducted from the income now assigned to the bishop of any see, will go to form the income of the new see. Proceeding on this principle, an income of about 2,500*l.* a year will be provided for every new bishop; and an income of not less than 4,000*l.* a year will be left for every bishop of an old see. The calculation proceeds upon the assumption that sixteen or eighteen new sees will be the utmost that it will be required to erect, and the sum required will then be about 40,000*l.* a year; and the sum provided in the manner before described, taking the income of the deanery and a portion of the income now assigned to the bishop of any see, in the sees affected by this provision, will be 41,000*l.* a year, so that an adequate endowment would be provided. But I propose further to limit the income of certain existing sees. I propose that the income of the future Archbishops of Canterbury should be 10,000*l.* a year, that the income of the future Archbishops of York should be 8,000*l.* a year, that the income of the future Bishops of London should be 6,000*l.* and that the income of the future Bishops of Winchester and Durham should be 5,000*l.* The results will then stand thus: From the suspension of thirty deaneries we should have 35,500*l.*, and from the suspension of forty-six canonries 26,500*l.*, making a total of 62,000*l.* Now the sum required for the income of sixteen new bishops is 40,000*l.* per annum, and the incomes of the existing prelates, without any deduction being made in them, are 152,000*l.*; but the income proposed after the deduction to which I have adverted, will be 122,000*l.*, leaving a surplus of 50,000*l.*, so that, as the sum required to erect new sees will be 40,000*l.*, 10,000*l.* will be required from some source or other. That is provided from the suspension of canonries and from other portions which are taken from sums accruing from the suspension of deaneries. Without wearying the House with these calculations, the result is that it leaves a surplus of 27,000*l.* a year to be applied to the general purposes and wants of the Church —very indequate, I confess, to what is wanted, but still I feel it is something. I now come to the last part of the measure that I have to propose to the House, and that is, as I have no doubt hon. Members will anticipate, the transfer of the management of Church property to the Ecclesiastical Commissioners. If I needed arguments for this step, they might be found, I believe, in the utter unsuitableness of such an employment as the management of property to the feelings of clergymen; in the melancholy state of many cathedral towns, where the light of Christian truth is too ofton veiled, and the character of the Christian ministry is exposed to contumely and reproach; in the debates which have taken place in this House on matters connected with abuses of this nature, which have spread wide their influence out of doors, and have agitated the public mind with suspicion and distrust. As far as the purposes for which the Act for the Commutation of Tithes was introduced, and as far as the manner in which those objects were attained, we have, I think, abundant precedent for what I have to propose. But a careful consideration of the case will show that the very interests of the property themselves require that a step of this nature should be taken. I need scarcely remind the House that it has ever been the desire of the Legislature of this country to preserve the property that has been held by the dignitaries of the Church as life tenants from being used to the prejudice of their successors; but a few instances (for which I shall ask the indulgence of the House while I recite them) will suffice to show how far these attempts have met with success. There are a certain number of Acts which have at various times passed the Legislature unperceived, and by which large portions of property have been for ever alienated from the Church. Now I will read to the House one instance:—

> "The prebend of Tettenhall, in the cathedral of St. Paul's, had leased the estate under his trust for three lives, at the nominal rent of 46*l.* per annum. The fine received for this lease does not appear, but it is stated to be 'large.' The lease was the property of the Hon. Charles Fitzroy, a brother of the Duke of Grafton, the then Minister, that Duke whom the *Letters of Junius* will prevent being forgotten. The prebend had by the lease done his worst for dilapidating the estate and impoverishing his successor, and, knowing that there was little chance of more than the 46*l.* per annum during his life, soon after, in conjunction with the lessee, presented a petition to Parliament, stating that 'it was for the advantage of the Church, and the successors in the prebend, and that a full equivalent was to be given;' and it was upon these grounds the above Act was obtained, which entirely divests the Church of the whole of this estate for ever, and bestows the fee-simple upon the Hon. Charles Fitzroy. The estate commences at the end of Oxford-street, London, and continues with intermission up to Highgate, a distance of between three and four miles, and includes woods and lands about Highgate, and would, at a fair computution, at the expiration of the existing lease, have been worth to the Church full 30,000*l.* per annum. The full equivalent given to the Church is 300*l.* a year secured upon the estate; it is now known as the Southampton estate—the name of Tettenhall is dropped."

I have quoted this case from the work of

Mr. William Beeston on the temporalities of the Church. I will state another instance. In the year 1800, when it was determined by the Government to redeem the land tax, an Act was passed to enfranchise Church property. But what was the course which was pursued by the prelates of that day? In all cases they filled up the existing leases for their own especial benefit, and the reversionary value of the property, thus diminished, was brought into the market, and a far greater amount of property was thus required to be sold to realise the amount required. Now the following is an extract from the evidence taken before the Committee which sat in the year 1838, and relates to a transaction which took place at the period to which I have referred with respect to the property of the Bishop of Chester. The witness was Mr. Elsley, and the question was put to him by an hon. Member of this House, whom I now see in his place. Mr. Goulburn asked—

> " 'Why do you go through the process of granting a new lease upon three fresh lives in the first instance?' Mr. Elsley replied, 'I am supposing that to be done which I know was done in the case of Patrick Brompton by the Bishop of Chester. The Bishop of Chester, before he would allow that to be sold to redeem the land-tax, made my uncle surrender the old lease, and pay a very large price for the new lease; and I cannot conceive that there was any motive for that, except that the Bishop might put a certain sum into his own pocket, because if that had not been done, the difference would have been much greater, and a much larger sum would have come to the Commissioners for redeeming the land tax; but he took care to provide against that by having granted, before the Commissioners were dealt with, one of the best leases possible, and thereby taking care that the difference between the existing lease and the freehold should be as little as possible, he having received the benefit of the exchange of the old lease with the new lease.' "

Now I could quote other and similar cases. I believe it was the general practice at that time—I have got evidence which was given before the same Committee as to transactions of the same nature in the sees of Durham and Gloucester. One of the witnesses before that Committee was Mr. Philpotts, a Member of this House, who gave it as his opinion that the effect of these transactions was decidedly to the injury of the successors of these dignitaries. I really scarcely like to go further into the subject; but I can assure you I could give most painful evidence as to the unhappy disposition of the prelates of that day to force a far greater proportion of the Church property to be sold than was required. They chose, for the purpose of filling up leases which had nearly expired, and of which, therefore, the reversionary value was the greatest, and would have realised the greatest sum, in order that they might obtain the greatest fines, which would become part of their own property. It may be said that these are occurrences which took place at a period now gone by. It is true that if they had not been occurrences at a period which is now gone by, I should have had very great hesitation in bringing them before the consideration of this House; but I think that it is the duty of this House not only to look for occurrences of a similar nature at this day, but to guard against these occurrences by taking warning from what has taken place with regard to things of this nature; and I may state one circumstance with regard to what is taking place now, because it involves precisely the same result, that immense portions of Church property are annually being lost to the Church for ever. Within thirty years the sum of 191,000*l.* has been paid to the Dean and Chapter of Durham for renewals of fines on colliery leases. Now I have no reason to believe that any portion of this property is funded for the benefit of the Church; and therefore, when we remember that this is the return from one proprietary only, we shall be able to form some estimate of what enormous sums are being annually lost to the Church. I have stated, however, that Parliament seems to have paved the way to the arrangements which I shall recommend, as well as to have pointed out the direction. I believe, by limiting the income of these dignitaries, it has destroyed their interest in the surplus. I do not wish to say anything invidious, but I put it to the House whether, taking human nature as we find it, if these incomes are secured to these dignitaries, it is not more than probable that that surplus may be impaired. I might go on to state other circumstances, but with regard to the bishops this is most highly objectionable. If they pay over the surplus to the Ecclesiastical Commissioners, they are virtually farming for that body property in which they had no interest whatever, and the natural order of things is thus absolutely reversed, and the Ecclesiastical Commissioners are the stipendiaries of the spiritual governors of the Church. Whatever may have been the evils attending the old system of leasing, it had this advantage, that the lessor was not the person who was brought into immediate contact with the tenant at rackrent. But by the Act of 1850 Parliament has condemned that system of leases. That Act was one for the enfranchisement of Church property, and there is reason to expect that, sooner or later, Church property will in general be enfranchised and let at rackrent; and, therefore, when we see what are the large incomes of some of the dignitaries of the Church, we may conceive what an enormous trouble will be added to their duties if they are called upon to manage property at rackrent. The inequality of incomes is a point, and a very serious one, affecting the interests of Church dignitaries themselves. By a return which I moved for last year, it appears that the income of some canonries was 50*l.* one year, and 500*l.* another. Now, nothing can be more inconvenient to a gentleman than this, and therefore I propose that with regard to capitular property it should be at once vested in the Ecclesiastical Commissioners, and that the members of ecclesiastical corporations, except bishops or archbishops, should receive fixed incomes; those who have succeeded to office since 1840, incomes amounting to the average sum now apportioned by Parliament; those who succeeded before 1840, incomes amounting to the average receipts of the last seven years. With regard to episcopal property, I propose that its management should be vested in the hands of the Ecclesiastical Commissioners; but I do not propose that the fee of the property should be abstracted from the bishops who might be then incumbents of the sees. But with regard to the bishops who have succeeded to sees since 1848, and who have been mentioned in the Order of Council on the subject, I propose that as to their property—as they are now receiving fixed incomes—this arrangement should take immediate effect; and with regard to other prelates, that the arrangement should take place as their respective sees become vacant. These are the remarks which I have to make with respect to the measure that I have submitted to the House. It remains for me now in a few words to endeavour to set myself right with all classes of my countrymen, in order that I may, if possible, leave the impression that I have not needlessly proposed a departure from ancient rule, or been striving after merely imaginary benefits. Sir, I have approached a question which, surrounded though it may be with difficulties, yet when calmly viewed at a distance from selfish interests and preconceived opinions, offers much to solve those difficulties, and to render legislation practicable and safe. But it must be in great measure by the application of remedies which are not only suited to the emergencies which have arisen, but which bear upon themselves characteristics by which they can always be recognised as belonging to the Constitution, which is the glory and safeguard of this country. Admitting that we have arrived at a period when it is no longer safe to refuse to extend the Church, and to increase its capabilities for good, what I propose is, that we should endeavour as far as possible to retain the proportions in which we received it from our ancestors, and that we should at the same time free it from those incumbrances which generally follow a long reign of prosperity and peace. There is the cry of a multitude of uninstructed beings, whose immortal interests are at stake, whose destinies, so to speak, are hanging on the decision of this House; and, again, there is the voice of a public opinion which—a stranger to the softer emotions aroused by memory and association—is daily inquiring the nature and utility of our institutions, and every year we abstain from moving, the former will become more piercing, and the latter more unanswerable. On the other hand, it must not be forgotten that the changes which have marked our national progress are thus well described by one who is well calculated to form an opinion respecting them. Mr. Allison says—

> "The privileges of the people were sought, not in the violation of present, but in the restitution of ancient rights; not in the work of destruction, but in that of preservation. The progress of the Constitution was marked not by successive change, but by repeated confirmations of existing rights."

Because I desire to be true to principles such as these, it is that I have proposed a considerable increase of the episcopate, together with the measures required for providing funds for that increase; and I would remark to those hon. Gentlemen who view this part of my proposition as less satisfactory, that we have no other security for the very existence of the Established Church, than by retaining unimpaired the efficiency of that order on which its peculiar and distinctive character is based. I do not wish to draw an invidious contrast between two classes of individuals; but this I feel myself compelled to say, that the class of men whom I desire to see introduced into the Church by these measures must be men foreign altogether to those habits and pursuits which have brought the present episcopate into any measure of disrepute. The purely spiritual nature of their duties, the simplicity of their manners, and the smallness of their incomes, must be a guarantee of their efficiency; and if Parliament will come forward, and grant such a body of men to the Church, I am quite certain it will impose on generations yet unborn a heavy debt of gratitude. Nor do I admit that, in proposing what I have done in regard to the management of Church property, I am departing in any way from those constitutional principles by which I have sought to be guided. I do not propose that the fee of the property should be abstracted from the bishops, but that the management of the property should be made a joint concern, instead of being, as it is now, separated amongst several dignitaries of the Church; that the Ecclesiastical Commissioners should have the business of attending to the management of the property, and should assume a character in law so far analogous to that of those corporations aggregate which have for centuries enjoyed the ownership and management of property in this country. And as the bishops will be component members of such a corporation, I cannot see that there need be any jealousy on their part excited by arrangements of this kind. In now detailing to the House the spiritual wants of the country, and in putting myself forward as the exponent of measures such as these, I cannot but feel and remember that there are two classes of persons to whom I must not omit to render justice. I allude in the first place to the Dissenters, who have been found with the Church labouring in the same sphere of beneficent labour. I believe that for many reasons the country is indebted to these religious bodies. They have existed for centuries — a standing proof of the mild leniency of our laws, while I believe they have given us back a reward, in proving a refuge for many an important precept when the Church, perhaps, had well nigh forgotten them in practice, if it had not abjured them in profession. I would ever pay a tribute of respect to conscientious scruples, and I am willing, ready, and thankful to acknowledge an amount of good wherever I find it, though it be attained by processes in which I am not able to concur; but by asking the House to adopt such measures, I am asking it to remove from the Church abuses against which their forefathers revolted, and to reanimate in it the life for which they sighed. And with regard to the second class of persons to whom I have referred, I must not forget that in proposing what I have done, I am really only putting into a form and shape (perhaps peculiar to myself) feelings which are widely spread, and wishes which are deeply seated, amongst a great body of the working clergy. I know it is the opinion of some that the Church should be enabled to exercise a deliberative function with regard to interests with which her ordained ministers are intimately concerned, and I believe these demands might be made with justice and those functions might be exercised with safety. But I believe, also, that if they have hitherto been received with suspicion and distrust, it is because the Church has not been yet in the position to make them; and if ever they are to be conceded, it will be when, truly irreproachable, and truly fulfilling the spiritual nature of her mission, she is able to speak in a voice that will command the attention and engage the reverence of the people. In bringing forward these measures, I am actuated by no party considerations. One object is and will be my only aim on a subject of this nature (what care I by whom it may be effected?)—that the Church shall be made equal to the accumulated labour to which she must now address herself, and shall occupy in the affections, the estimation, and the consideration of the nation, the place for which she was clearly destined by the laws and the Constitution. And if there be a subject worthy of the consideration of this House, one which has not yet been made the prey of political dissensions, to that let us turn, standing as we do upon the very threshold of a period so darkly pregnant with events that no reflecting mind can contemplate it without feeling some of the weight of its uncertainty; to that let us turn, and there—not as opponents, but as Englishmen, the inheritors of the blessings of a thousand years—there let us strive in one common effort for our country's good, and join in an acknowledgment to our country's God. The noble Marquess concluded by moving for leave to bring in a Bill to enable Her Majesty further to regulate the duties of ecclesiastical personages, and to make better provision for the management and distribution of episcopal and capitular revenues.

Lord ROBERT GROSVENOR, in seconding the Motion, said that his noble

Friend merited the thanks of every true friend of the Established Church and of religion, not only on account of the trouble which he had taken to inform himself on every point with regard to this question, but also on account of the additional labour which he had undertaken in the framing of a comprehensive measure for the consideration of that House. And when he informed the House that sooner than abandon this measure his noble Friend had refused to join the present Government, he was sure that all would appreciate the motives by which he was actuated. Most of the comprehensive provisions contained in the Bill which his noble Friend proposed to introduce, had been recommended by Committees of that House which had sat on this subject; and he believed that their effect would be to render the funds of the Established Church more available for the purposes of further education and spiritual instruction at a time when the attainment of these objects was so loudly demanded on all sides. He trusted that neither the Government nor the House would offer the smallest obstruction to the introduction of the Bill, and that by that means an expression of public opinion with respect to it might be obtained. When it was publicly stated that there were 1,500,000 persons in the metropolis who did not attend any place of public worship, he thought it high time that they should entertain some measure of this nature.

Mr. WALPOLE: Sir, the noble Lord who has asked for leave to bring in this Bill has taken such pains with the subject—he entertains, I know, so friendly a disposition towards the Church—and he has shown himself so desirous of promoting the improvement and spiritual instruction of the people of this country, that I should feel I was indeed ungrateful towards him if I were, on the part of the Government, to decline to allow this Bill to be introduced. But, independently of these considerations, which have induced me to give my assent to the introduction of the Bill, I think there is so much in the arguments and observations which the noble Lord has advanced, so much of truth in what he has said, and so much of justice in some of the propositions which he has submitted to us, that I think the House and the country ought to have an opportunity of considering this large and comprehensive subject. At the same time, with regard to a measure so large and comprehensive, I cannot say that I am prepared to adopt it; and I think it would be better for the House to see it in detail before expressing any decided opinion on it. Indeed there are some parts which I cannot concur in. But as far as I can understand the principles on which my noble Friend desires to proceed, they are, firstly, to increase the episcopacy of the country by the erection of new sees; and, secondly, to provide for the better management of the ecclesiastical revenues. In both of these objects I am willing to concur, provided they can be carried out in a manner satisfactory to the members of the Church, and, generally speaking, for the benefit of the country. I own, however, that I entertain considerable doubt as to portions of the measure the noble Lord has shadowed out. I entertain considerable doubts, for instance, with respect to the abolition of deaneries, and I do not believe that canonries can be done away with to the extent to which the noble Lord has adverted. That, I am sure, is a question which can only be determined after more information and discussion than has yet been given to the subject. To increase the episcopacy you must have some funds, and those funds ought chiefly to come out of the revenues of the Church, though they may be materially aided by voluntary contributions. At the same time I think it would be advisable, supposing the funds to be sufficient—and here I think the plan defective—to provide more effectually for the working parochial clergy, concurrently with the increase that is made in the sees. With regard to the proposed management of the ecclesiastical funds, there is great force undoubtedly in many of the observations of the noble Lord. It is, however, an exceedingly difficult subject to deal with, and requires very great consideration before the House and Parliament can come to any definite conclusion as to what is the best mode of providing for the management of ecclesiastical property. I say the management: for the property itself should be vested in those to whom it belongs. It appears that the noble Lord proposes to put this property in the hands of the Ecclesiastical Commissioners, and to withdraw the management of it from those who have other duties requiring their attention. Now I believe I may say that there are some bishops who are most desirous that an arrangement of that sort should be made. But I am of opinion that this is one of those complicated questions which turns more upon the mode in which it ought to be done, than as to the fact whether it is to be done at all. The subject, moreover, is of so extensive a character, and necessarily contains so many details, that I certainly think it would not be advisable to promote a discussion upon all those topics until we see the particular manner in which the noble Lord proposes to deal with them. I shall not, therefore, offer any more observations upon the subject at present, except to say that I shall support the Motion now before us, in order that the Bill may be printed and circulated, which will enable us to judge how far it may be adopted.

Sir ROBERT H. INGLIS said, he had not been prepared for the speech of the right hon. Gentleman (Mr. Walpole), and as little had he been prepared for the speech of the noble Lord (the Marquess of Blandford). He confessed that if the speech of the noble Lord had been delivered upon the highest mountain of the House, he could better have understood it. It was true that the noble Lord had received one or two faint cheers from the hon. Member for North Warwickshire (Mr. Spooner), and at the close of his speech several generous cheers from those beside whom he (Sir R. Inglis) was sitting; but the largest proportion of the cheers had come from hon. Gentlemen who could not claim to be called the friends of the Church. No person, for instance, could deny the consistency of the hon. Member for Montrose (Mr. Hume) on this question. Five and twenty years ago the hon. Gentleman brought forward the measure of which the noble Lord (the Marquess of Blandford) was now the eulogist. He (Sir R. Inglis) did not deny the consistency of the hon. Member for Montrose; but he deprecated with all his heart the principles which the noble Lord had enunciated; and when the right hon. Gentleman the Secretary of State for the Home Department talked of the great knowledge which the noble Lord had accumulated, he (Sir R. Inglis) could pay him no such compliment, since he must equally deny the conclusions at which the noble Lord had arrived, and the premises from which they were taken. The noble Lord said that deaneries and canonries were sinecures. It was true, that they had not, distinctly as such, the cure of souls; but they had their useful and important part in the ecclesiastical system of England; and that they were sinecures was a statement which any one who knew the working of that system ought to be prepared to deny. As he understood that the Government supported, not indeed the speech of the noble Lord, but the Motion which the noble Lord had placed upon the paper, or did not intend to take a division upon it, he (Sir R. Inglis) would content himself—and he would not do justice to his feelings if he did not say this much at least—with expressing, as strongly as he could, his non-conviction with respect to the alleged facts of the noble Lord, and his perfect aversion to the mode in which he proposed to carry out his principles; and his regret that the Government, after the speech of the noble Lord, should have given its consent—which it had done by the speech of the right hon. Gentleman the Home Secretary—even to one stage of a measure so objectionable as that of his noble Friend.

Sir BENJAMIN HALL said, he merely rose to express the anxiety he felt that the abuses of the Church should be reformed, and that ecclesiastical property should be placed under better management. He was of opinion that sinecures of all descriptions connected with the establishment of the Church should be abolished; while, at the same time, he was desirous that those who performed duty in the Church should be adequately remunerated for it. He should postpone the expression of his opinions in detail, until the period when the Bill came before the House for a second reading.

Mr. HUME begged to say, with respect to the observations of the hon. Baronet the Member for the University of Oxford (Sir R. Inglis), that if he gave him (Mr. Hume) credit for his consistency in his desire to reform the abuses of the Church, he (Mr. Hume) could give the hon. Baronet credit for being as consistent in his wish to support them. He was sure that the noble Lord (the Marquess of Blandford) was acting as the best friend the Church of England had in attempting thus boldly to reform her; and it was to him (Mr. Hume) a most consolatory reflection that the work he had begun twenty-five years ago was now being taken up in earnest by the members of the Church of England, who could not be accused, as he had been, of ill-will towards her. His (Mr. Hume's) object was to place the Church of England on a footing which would enable it to afford religious instruction in the best form, for the advantage of the people and of the country. He should think himself unworthy of the good opinion of any person if he did not say that since the period when he had first called attention to the subject, the Church of England had greatly improved. He entirely concurred in the opinion that the abolition of sinecures was one of the first steps that every sincere friend of the Establishment should take. His (Mr. Hume's) object twenty-five years ago was to put an end to sinecures and to prevent pluralities. It was satisfactory to see that things were coming round, and that they were now going to adopt his suggestions. If they had adopted them at the period they were offered, it would have been much the better for the Church. When it was known to the people of England that sinecures had ceased in the Civil departments, in the Army and Navy, and every department of the State, except in the Church, they must look upon it with dissatisfaction. He must express his thanks to the noble Lord for bringing forward the very proposition on which he (Mr. Hume), in the year 1837, had taken the sense of the House. If the revenues of deans and chapters were placed in lay hands, as he (Mr. Hume) had then proposed, much of the scandal that had been occasioned by the conduct of the bishops would be avoided, and the Church would now stand in a much better position.

Mr. COWPER said: I must dissent from the observations that have been made by the hon. Baronet the Member for the University of Oxford (Sir R. Inglis), for I believe the speech of the noble Lord (the Marquess of Blandford) has met with the general concurrence of the House, and will have a wider and larger concurrence in the country. There is a large party in the country who feel the necessity for some further reform in the arrangements of the Church. There has been a marvellous awakening of energy and zeal in the Church of England of late years; and many, both of laity and clergy, are striving, in their respective spheres, to relieve the sad spiritual condition of masses of its poorer members; but to the Legislature only can they look for improvement in the external machinery of the Church, and a better adaptation of its resources. This House has entertained the subject, but has hitherto done little. Commissions have reported, and Committees have inquired. Returns have been framed, and we have an accumulation of facts and opinions; but little action has resulted from those preparations. The time has now come for the attention of the House to be given to the subject in real earnest, and for something effectual to be done. The noble Lord deserves thanks for the carefully prepared Bill he now offers to our consideration, and for thus forcing the subject on the attention of the House, and compelling the Government to take it into consideration. The principles of the measure, I contend, are right. If the responsibility of the management of Episcopal property had been transferred from the Bishops to a body of Commissioners, they would have been relieved from much odium, and we should have escaped those statements of the hon. Members for Marylebone and Cockermouth, which have at different times so distressed the friends of the Church. We have expected from the prelates who are set in high places to preach against worldliness, covetousness, and self-seeking, —a bright example of devotedness to the good of the Church, and of self-denial; but we have seen in many instances that in the management of their property bishops have acted just as ordinary men do, —have considered it their own, and have treated the claim of their family to be supported out of the estates given them by law, as better than any claim of poor livings which may have been entertained by the Government. All property is a trust; but the property of bishops and chapters is more peculiarly a trust allotted to them as ecclesiastical corporations, forming part of that great corporation, the Established Church of the Realm; and this fact would be more palpably recognised, and better attended to, if the management of the property were committed to a General Commission. The transformation of deaneries into new bishoprics would be a great advantage. It would be changing a function comparatively useless into one that is essential. The office of a dean enables him to do little for the Church beyond the exhibition of good taste in the superintendence of the building committed to his care, and providing for the due performance of public worship within its walls; but a bishop ought to be the pivot of all ecclesiastical operations, and the life and soul of all good endeavours in his diocese. I hope the Government will look into the subject; I am sure if they do, they may find means of greatly promoting the good of the Church, and the welfare of the people.

Mr. HORSMAN said, he wished to thank the noble Lord (the Marquess of Blandford) for the manner in which he had brought forward this subject. He regarded it as one of those indications which were extremely satisfactory to those who had laboured to do away with the abuses in the Established Church, that a Member of the noble Lord's opinions, and belonging to the party with which he was associated, should have brought forward such a proposition, not only with the general approbation of the House, but with something like a prospect that it would meet with very general assent. It was evident that the questions relating to our ecclesiastical system must not only be forced more and more every day upon the attention of Parliament and the country, but that no Ministry could, without great danger to the ecclesiastical establishments, refuse to take them into consideration. He thought it was an encouraging circumstance that there never was a time in the history of this country when the religious feeling of the people was of so healthy a character—a character removed from anything like carelessness on the one side, or fanaticism or intolerance on the other, and when there was so general a disposition to acknowledge and appreciate the blessings of religious teaching. It was also an encouraging fact that during the last few years very considerable reforms in our ecclesiastical system had been effected, and the experience of those reforms was such as to induce them to proceed in the same course. He thought that scarcely any one would object to the proposal of the noble Lord with regard to the deans. The hon. Member for the University of Oxford (Sir R. Inglis) had, indeed, contended that no person who understood our ecclesiastical system could pretend to say that the present office of a dean was a sinecure. He (Mr. Horsman) could only say that year after year, he had inquired in that House what were the duties of a dean, and, although the hon. Baronet had heard those questions, he (Mr. Horsman) was still in perfect ignorance of what really were the ecclesiastical or spiritual duties of such a dignitary. The noble Lord further proposed that all episcopal and capitular estates should be placed in the hands of a Board, by whom the prelates and dignitaries of cathedral churches should be paid. That recommendation had already been made by a Commission appointed to inquire into this subject; and he thought, from the statement of the Home Secretary to-night, that the Government entertained no objection to the principle involved in such a change. He could not express the same approbation of other parts of the Bill, and especially of those relating to the increase of the episcopate, which he thought the noble Lord would find difficult to carry out; but he would not now go into those points. He would only add, that, approving generally of the principles of the noble Lord's measure, he would gladly give any assistance in his power to one who came forward in a spirit at once so bold and so conservative as the noble Lord.

Mr. SIDNEY HERBERT said, he concurred with the hon. Member for Hertford (Mr. Cowper) in thinking that his hon. Friend the Member for the University of Oxford (Sir R. Inglis) treated the noble Lord (the Marquess of Blandford) unfairly in asserting that it required a general and thorough agreement on all points with the hon. Member for Montrose (Mr. Hume) before one could give a hearty assent to the proposal and to the spirit in which it was made by the noble Lord. For his (Mr. S. Herbert's) part, he had long felt that the abolition of ecclesiastical abuses and the reform of ecclesiastical duties were becoming every day more necessary, not only for the safety of the Church, but for the support of real Christianity in this country. He had on one or two occasions taken an opportunity of discussing those points, and was not then going to enter into them. He understood, the restoration to the episcopal office of the duties long attached to it, and which by the lapse of time had been separated from it, was one of the main objects of the Bill. It also proposed an addition to the episcopate proportionate to the increase of parochial subdivisions, which every day was more necessary. He was glad to hear, from the statement of the hon. Member for Montrose (Mr. Hume), that in 1837 he proposed a similar measure to that which was now proposed by the noble Lord, for it would consequently appear that the hon. Member had proposed the addition of seventeen bishops to the episcopate. The right hon. Gentleman the Secretary of State for the Home Department had stated that it it was more necessary to increase the parochial clergy— [Mr. Walpole: Not more necessary—equally necessary.] The right hon. Gentleman had said it was equally necessary to increase the parochial clergy, and he would find that it was assumed that the existing system of applying the accruing surplus to the increase of the parochial cures should be continued. A redistribution of funds was proposed, which would create fresh sources of revenue, and that proved that the noble Lord did not contemplate either the diminution of the parochial cures, or an entire cessation of their increase. He gave his cordial thanks to the noble Lord for the care he had bestowed on the measure; but until it was before the House it was impossible to judge of its details. In consequence of the spirit by which the noble Lord was evidently animated, and the opinions he had expressed, he (Mr. S. Herbert) was willing to promise him any support and assistance he could give him. He was glad the matter had fallen into friendly and at the same time efficient hands, and he trusted that it would be brought to a favourable conclusion.

SIR HARRY VERNEY said, he held that the Church of England should be the great bulwark of Christianity and Protestantism throughout the world. If it ceased to be so, it would cease to perform that high mission for which he conceived it was established, and would be swept away from the face of the earth by the united feelings of all classes of Protestants in this country. He united in the testimony of gratitude that had been offered to the noble Lord for the spirit and feeling with which he had brought forward this measure. He wished to ask whether the right hon. Home Secretary, when he said that he desired to obtain the opinion of "the Church" on this subject, meant that term to apply to the clergy exclusively, or to the clergy combined with the laity?

MR. WALPOLE explained that he had never used the word "Church" without meaning the clergy and laity united together; and he thought the House would not satisfactorily legislate upon this subject without the joint co-operation of the clergy and laity of the Established Church.

MR. AGLIONBY said, he did not object to the increase of the episcopal body, but wished to call the attention of the House to an Act of Parliament by which the rights of lessees of the Church were distinctly recognised, and he trusted there was no provision in the Bill that would destroy those rights. If there was anything in the Bill that would set aside the intention of Parliament with respect to the rights of those lessees, he (Mr. Aglionby) would, of course, object to that particular part of it.

The MARQUESS of BLANDFORD replied: With regard to the remarks that had been made by the right hon. Gentleman the Secretary of State for the Home Department, he could only say that the right hon. Gentleman did him no more than justice when he stated that he was actuated by a sincere desire to render the Established Church efficient, and to enable it to meet the wants of their increasing population. Such alone was his object, and he should be deeply pained if he thought there was anything in the Bill at all calculated to cast discredit upon the Church, or upon the officers of it. The hon. Baronet the Member for the University of Oxford (Sir R. Inglis) had assumed that the principal part of the support he had obtained was received from a quarter of the House that was composed of Gentlemen who were supposed to entertain rather peculiar opinions with respect to the Church; and he must observe in reply, that he looked upon this matter in the light of truth, and not as a party question. In speaking of the deans and canons, he had intended to express his opinion that very small duties were associated with them, and that according to the usual acceptation of the word the term "sinecure" might to a great extent be applied to them. He was not singular in that opinion. Persons entertaining the strongest affection for the Established Church, had entertained similar opinions. He begged to quote to the House an extract from *Burn's Justice*, wherein it was stated that "Deaneries are sinecures, that is, they have not the cure of souls," and as such are exempted from the statute of Henry VIII. against pluralities. He felt deep gratification that the Government had consented to consider the subject. Their conduct, he was sure, would raise them in the opinion of the country, and strengthen them in any difficult position in which they might be placed. He hoped what had taken place that night would form a point from which would date the commencement of a measure which would prove of the greatest benefit to the Church, and tend to raise her to the true and proper position which she ought to occupy in the country.

Leave given. Bill ordered to be brought in by the Marquess of Blandford and Lord Robert Grosvenor.

EXHIBITION OF 1851—CRYSTAL PALACE.

MR. HEYWOOD said, he regretted that he had not been able to bring forward this subject at an earlier period of the

Session. At the commencement of the Session he had waited on the noble Lord the Member for Totness (Lord Seymour), then First Commissioner of Woods and Works, to inform him of his intention to move for a Select Committee. That noble Lord expressed a wish that the Committee might be delayed. Subsequent to that the Whig Government left office, and another delay arose in consequence. He had also seen the noble Lord at present at the head of the Woods and Works, and learnt that at that time the Board of Commissioners were considering the Report of the Commission. He had also delayed his Motion on account of the important public meeting which took place a day or two ago at Exeter-hall. That meeting—a very large assemblage of the inhabitants of the metropolis—had decided in favour of the retention of the Crystal Palace. That opinion was shared, to a great extent, by the people in the country, and he appealed to it as a fair reflection of the views of the middle classes. The middle classes were unanimous in favour of its retention. ["No, no!"] The total want of opposition at the meeting in Exeter-hall was a complete proof of the truth of his statement. At the time when the subject was formerly discussed, it was understood that an inquiry should follow the Address to the Crown, and he thought indeed that that was partly the object of the Address. They were under considerable obligations to the Government for the appointments of Lord Seymour, Sir William Cubitt, and Dr. Lindley, to the Commission of Inquiry which had investigated this subject; and he must say, although he differed from certain parts of their Report, there was one point in which he cordially concurred, and that was, the most economical plan would be for the Government to purchase the Crystal Palace as it stands. The price was only 45,000*l.*, which was very much below the value of the materials of that immense pile of glass and iron. The Commission had examined Sir Joseph Paxton, Sir Charles Fox, and others, with regard to the present state of the building. He (Mr. Heywood) could assure the House that the foundations were firm, the building excellent, and that any repair which might be necessary could be effected at a very trifling cost. Since the Report of the Commission, a number of gentlemen had given attention to the subject, and a new plan had been drawn up by them, by which the building might be supported. It was to place the Crystal Palace in the form of a trust; the trustees being certain independent noblemen and gentlemen possessing the confidence of the public, and some of the Members of the Government for the time being, and holding high offices. The Royal Commissioners felt themselves under the pledge given at an early period that the building should come down; and by many Members of that House great importance was attached to that pledge. It was stipulated that the building should come down by the 1st of June, 1852, and the surface of the park be restored to its previous state, and grass seeds sown there; and that if that was not done, the Commissioners of Woods and Works might come in and remove and dispose of the materials, and apply the produce in reimbursement of the expenses of the removal and of restoring the surface of the park. In fact, the deed of covenant was drawn up with great stringency. But the building was a new invention in architecture; it was one of the greatest inventions ever made in this country for the advancement of science. One great object of the friends of education was to promote the knowledge of science, by the exhibition of scientific specimens. Since the building was erected, public opinion had undergone a great change; and he should wish, if the House would allow the Committee to be appointed, that it should have the fullest power to investigate every branch of the subject. He did not wish to limit the Committee to the question whether the building should remain in Hyde-park, or whether its size should be altered. It was said by many that the building was too long, and that if reduced in size its beauty would be increased, without its efficiency for any purpose being impaired. Were the building reduced, the objection taken to it by Lord Campbell, Mr. Justice Cresswell, and other residents in the neighbourhood, would in all probability be removed. There was a class of Members in the House who objected to the retention of the Crystal Palace, because it interfered with the ride in Rotten-row; but the Committee might arrange for some further accommodation for those who wished to ride in the Park. The building had admirably answered its original purpose; during the Exhibition it was the great attraction of the metropolis, and it now remained a monument of architectural skill and great power of design.

There were those who objected to it as a monument of the Great Exhibition. That was the very reason why it ought to be retained. The Exhibition was one of the most interesting events in British history—it was an era in the history of the world, and the beginning of those intimate commercial relations with different countries which he hoped to see greatly extended. With regard to the objects to which the building might be adapted, there was the plan of Sir Joseph Paxton for a winter garden. London was the only great metropolis of Europe without a winter garden. The climate of this country was so uncertain, so damp, so foggy, that the luxury of a winter garden would not fail to be highly acceptable. He hoped that the building would be preserved, and that it would be placed under Government control and careful management. Many advantages would result from it. He had no wish to limit the objects to which the building, if preserved, might be applied. He did not wish to limit it to a winter garden; there were other more beneficial purposes for which it might be used. He thought our means of giving instruction in science were extremely limited. The collections of geology and natural history in the British Museum were little known at the west end, because so far off. The inhabitants of the west end had no opportunity of deriving instruction from them. He did not know any place so well adapted to the exhibition of scientific specimens as the Crystal Palace. Objections were taken that the building was too large; but that was a point on which great improvement might be made. If the building were kept up, he did not expect there would be a very large concourse of people except at particular times. There was one kind of exhibition for which it was peculiarly adopted—that was botanical exhibitions. Hon. Members who had frequently visited Chiswick and the Regent's-park during the floral exhibitions, must remember how often their pleasure had been interfered with by the rain. There was, in fact, no plan which could be better carried out under the roof of the Crystal Palace than a botanical exhibition. He should wish the Committee to be appointed in order to have a thorough investigation of the subject. They ought also to examine into the point of honour which had been raised. He believed it was usual formerly to refer points of honour in that House to Viscount Hardinge, then Sir Henry Hardinge, and his decision was final; but there was no Member now in the House, who possessed similar influence, and the subject now in dispute might be referred to a Committee. An important principle was involved in this question: it was that of class divisions. The middle classes were in favour of, and the aristocratic classes were against, the retention of the Crystal Palace; and he considered it one of the most dangerous and serious divisions that could agitate this country. He should be very much surprised if the noble Lord (Lord J. Manners) opposed the Motion. When he (Mr. Heywood) was on a visit at Haddon Hall, one of the seats of his Grace the Duke of Rutland, he had met a French nobleman, with whom he engaged in conversation on the subject of the English aristocracy. That French nobleman stated as a reason why the English aristocracy retained their privileges and position, and the French lost theirs, that the English aristocracy knew when to make just concessions. Now, this was a time for the aristocracy of England to make a small concession to the opinions and wishes of the middle classes. It might be said that the poorer classes would not be benefited, if they were deprived of so much grass which they might have ranged over, and if an admission fee, though small, should be exacted. But the poorer and the poorest classes have signed numerous petitions praying earnestly for the retention of the Crystal Palace. The change that had taken place in public opinion since its erection was manifested at the meeting at Exeter Hall. At that meeting a deputation was appointed to wait on the noble Earl the First Minister of the Crown; but unfortunately that nobleman had been unable from press of other business to receive the deputation, and the subject was therefore brought before the House without having been submitted to the head of the Government. But the noble Lord (Lord J. Manners) had paid a great deal of attention to it, and he (Mr. Heywood) hoped that the noble Lord would allow the Committee he asked for to be appointed.

Mr. HUME, in seconding the Motion, said, he differed in many respects from the opinions expressed on this important question by parties who had interested themselves in discussion as to the permanence of the building in question. For his part he considered that the mass of the people of England until late years had not been treated in a manner which would have tended to their better education, or with that kind of sympathy and fellow feeling which ought to exist among all classes of the community. He wished to see a state of things in this country in which the rich should enjoy their riches without envy or jealousy on the part of the poor, and in which the poor should be fully remunerated for their labour and for the important services they rendered to the other members of the community. But he considered there was a duty owing by the higher classes towards the lower which had scarcely ever been fairly or properly recognised. It was on that ground that he entreated the Government to consider what the object was which was now sought to be attained. That object was to afford instruction and recreation to the people, The population of this large metropolis now exceeded 2,000,000, the greater part of whom were caged up every week of their lives from Monday morning till Saturday night in the pursuit of their various avocations, and scarcely enjoyed more leisure than the time which they devoted to their necessary and ordinary refreshment. Here, if in any part of the world, recreation and instruction and means of health should be provided. He held, that a healthy, moral, and well-instructed community was more valuable to every individual having property than that property itself, because property could not protect itself, nor could it alone give that happiness which ought to be the object of all government. He considered it to be the duty of every Government to promote the greatest happiness of the greatest number, and he would say, let no opportunity be lost of furthering that excellent and important object. In 1841 he submitted to that House a Motion for a Select Committee to inquire into the then state of the national monuments in Westminster Abbey, St. Paul's Cathedral, and other places; and why did he do so? It was not for any gratification of his own, nor to promote the pecuniary interest of any man breathing; but to afford facilities to the public for inspecting works of art located in those various edifices, with a view to their moral and intellectual improvement. The interests of bishops and trustees of various kinds had, however, stood much in the way of the end at which he aimed in moving for that Committee. It was true that up to that period this was an exclusive country. Often had they heard the remark made, that the people of England were excluded from participating in those enjoyments and recreations which tended so much to refine and elevate the minds of the people of Continental countries; and it was said we could not trust the people of England as the people on the Continent were trusted in reference to the exhibition of works of art. His answer was, "Try them." Until the persons who raised that objection trusted and tried the people in matters of that kind, they were not in a position to offer an opinion on such a subject. The Committee to which he had adverted recommended that the British Museum, the National Gallery, and some other places, should be opened as speedily as possible for the gratuitous admission of the public. It was honourable to the character of the people that the aristocracy now appeared to be desirous of forwarding the happiness and welfare of the less fortunate classes under them. In the arrangements made for improved dwellings, and in education even to the class of ragged children, it was found that efforts were now made to give the people habits of application and industry. It was not reading and writing alone that constituted true education, but the moral training with which intellectual instruction ought always to be accompanied. He appealed to the benefits which had resulted from those improvements; and, without entering into statistical details, he had no hesitation in saying, that the British Museum, which once was comparatively a sealed place, and to which not more than seventy or seventy-five parties were admitted in a week, afforded a favourable illustration of the advantages that attended the opening of such institutions to the public. The officers expressed their fears lest injury should ensue; every precaution was taken, a person was placed in every room. From the first hour when the Museum was thrown open up to the present, not an article of that immense and valuable collection had been touched. During the last year he understood that upwards of 2,000,000 of people had passed through the Museum. He would call attention to the fact that the numbers who visited the Tower of London in a year had risen from 10,000 to 100,000 since the charge for admission had been reduced from *3s.* to *6d.* In his opinion justice would not be done to the public until they were admitted free of all charge to a place like the Tower. No accident whatever had happened to the valuable collection of paintings in the National Gallery (with one exception) since the public had been admitted there gratuitously, nor at Hampton Court; and the conduct of the people, while visiting those interesting places, had been most exemplary. What was the result of opening those public institutions to the public? The working classes, instead of forming parties among themselves to go to public-houses as before, to spend a leisure day in drinking, now formed little parties to go in waggons on pleasure trips to Hampton Court, and places of that kind. In that way thousands of them participated in the advantages which had been so liberally afforded to them, and which tended to improve and humanise the whole fabric of society. He therefore held that the House was bound, if it could, to avail itself of the opportunity of retaining the Crystal Palace as a means towards the important ends to which he had adverted. He asked the House to bear in mind what occurred last year, when men high in rank, who had not learned to trust the people, would have had the metropolis surrounded by troops, and yet 80,000 people were sometimes collected in the Crystal Palace, and as many assembled out of doors, without any necessity arising for calling in the police to maintain order. Colonel Rowan attributed the facility of maintaining order to the good conduct of the people. He was examined by a Committee upstairs, when he said, that since he had come to be connected with the police force, he had found that one policeman could now maintain peace in any portion of the metropolis, where five, six, or seven would have been required only a short time before. He would remind the House that they were not asked to make an advance of public money. The parks were public property, to be maintained by Her Majesty for the benefit of the community. The House was asked to allow inquiry. That inquiry would show that the wants of the nation were increasing, that the population of the metropolis was increasing. The Exhibition showed that foreigners in the fine arts had a superiority over our own workmen; and it was desirable to give the community here an opportunity of benefiting from the collections which would be exhibited in the Crystal Palace. For that purpose there were noblemen and gentlemen associated together who asked permission to do for the public, but on a more liberal scale, what other parties had been allowed to do in regard to the Zoological Gardens and the Botanical Gardens. Great objection was made to making those gardens in the Regent's Park; and very properly the Woods and Forests retained the power of removal. The rent of the inner circle of the Regent's Park was 248*l.*, a moderate rent, he confessed. What the body to which he referred asked was for a lease of the eighteen acres of land on which the Crystal Palace stood. They asked for leave to apply the building to purposes favourable to the education of the people, including among them the exhibition of collections of art and machinery. Instead of making a charge for admission every day, they proposed to give admission two days a week on payment of 3*d.*, and they proposed to give admission one day a week free. He was told a pledge was given that the Crystal Palace should be removed; but fears were at first entertained which had proved chimerical. In justice he would call the attention of the House to what a sub-committee of those gentlemen who desired the retention of the Crystal Palace proposed to do. A more liberal and important proposition had not been put before the House for many a day. They said—

> "Three modes of appropriating the Crystal Palace may be at present specified with sufficient distinctness to show how it is intended to combine the instruction and recreation of the people with the advancement of the arts, sciences, and manufactures. In the first place, a portion of the space may be allotted to a winter garden, avoiding extremes of temperature, embellished with fountains, statuary, geological specimens, and a great variety of other interesting objects."

Hon. Gentlemen might say that was a fairyland, but the project was one which he understood could be realised.

> "Another portion might be appropriated for the reception of new inventions, and of a collection in illustration of the commerce of the world. Lastly, the building might contain a gallery of design, for the promotion of taste among manufacturers and the public, and lecture-rooms and museums, which would relieve the already over-crowded state of many of our greatest scientific institutions."

If collections existed where the progress of improvement could be seen, how much labour might be saved by persons desirous of carrying out such improvements in machinery! He hoped that those who opposed the Motion were not to be put down as enemies of the objects to which he had referred, as adverse to the recreation of the public and to the progress of improvement. The time might come when this country might find itself falling back as a commercial and manufacturing country. The sub-committee said—

> "No more is asked for, in carrying out this plan for the preservation of the Crystal Palace, than has already been conceded to the Zoological and Botanical Societies in the Regent's Park. The self-supporting principle upon which it is proposed to effect the preservation of the palace, is the same as that upon which the Great Exhibition was so successfully carried out. No better proof can be given of the confidence felt in the soundness of that principle than by mentioning the fact, that some of the first capitalists in the country are prepared to guarantee the funds required upon the basis of this statement, and to submit their guarantee to Her Majesty's Government."

When the receipts had been applied to the preservation of the building, the residue would not be devoted to other purposes, but would be appropriated to such purposes as should promote the efficiency of the institution. The offer was made by gentlemen of property and science, who were willing to enter on the undertaking; and he submitted that in every point of view the House was entitled to resolve on placing them in the same situation as the supporters of the Zoological Gardens. On that subject he referred to the evidence of Mr. Briton, Mr. Allan Cunningham, and others. It was for the Government when they made the lease to impose what restrictions they pleased. In the meantime he hoped the House would allow a Committee to be appointed. They would not be thereby precluded from permitting the removal of the building afterwards. He trusted, however, that by the evidence which might be adduced, and by the startling facts which would be laid before such a Committee, the House would be induced to arrive at a different conclusion.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to consider the preservation of the Crystal Palace, or the central portion thereof, with a view to its applicability to purposes of public instruction and recreation."

Colonel SIBTHORP said, he had formerly on several occasions expressed his opinion upon this so-called Crystal Palace, and he believed his conduct had been in strict conformity with those declarations. He had never entered it. If anybody offered him a thousand guineas—and even in those times of Californian gold a thousand guineas was no small sum—he would not enter the place. No; upon principle, he would not, he dared not enter it; he considered it a duty to his fellow-creatures not to go into the place. The very sight of it almost sickened him. He had not desired to see any act of violence resorted to, or the law transgressed, in order to demolish it; but he owned that nothing could have given him greater pleasure than if, by some superior power to that of man, it was annihilated at one fell swoop, and no trace left of the gross delusion. He believed that its institution was most prejudicial to the working classes, and to our national industry. They pretended to cherish the principle of encouragement to native industry, and yet, by this Crystal Palace and the introduction of foreigners, they did all they could to subvert it. Who benefited by it? Not one. Our poor people? Not a bit of it. Foreigners and contractors were the gainers. The poor people were drawn from their distant homes, and from their honest occupations, to see this big bauble. They were trepanned, seduced, ensnared, and humbugged out of their hard earnings. Oh, but they said, the place would afford recreation. Recreation for whom, and for what purpose? Was the labourer to leave his work to go to the Crystal Palace to take recreation and be duped out of his money? By their tricks, manœuvres, and gullibility, he would add by their fraudulent insinuations and promises, they had wrung the shillings out of the hands of the poor, who could ill afford it, and sent them back to their families penniless. But what a farce was the pretence upon which the Crystal Palace was erected! A noble Lord in another place had spoken of an harmonious and amicable confederation which it would produce between the people of this country and those of foreign nations, and especially between this country and France. But where was now that harmonious and amicable confederation? What was the present state of feeling between the two countries? By all sorts of unworthy modes they had asked their friends and neighbours to their table, and then turned round upon them and told them that they were not worthy to sit there. What was the result of this much-talked of meeting? Why, that two Governments had declared it was necessary to organise our militia, and to get up our national defences against these same friendly foreigners whom they invited with open arms. They had their Exhibition, he believed—for of course he never saw it—stuffed with foreign fancy rubbish.

Show and tinsel were now-a-days preferred—cheap and nasty—whilst our solid durable English manufacture was neglected. He had been told by provincial tradesmen that two years of the Crystal Palace would ruin them. The Crystal Palace was a transparent humbug. As to the maintenance of that building, he could not suppose for a single instant the House would listen to such a proposal. They had had enough of the humbug. He agreed with Lord Campbell and Lord Brougham that they had no right to keep it there. They had no more right to rob so much ground from the Park than any Member of that House had to carry away the mace from the table. As for the appointment of a Committee, he scouted the idea. He knew what Committees generally ended in, and this Committee would be only a side-wind to maintain the building. The sooner the thing was swept away the better; and as for the public, he believed those who did not view it with indifference, regarded it in the same light he did—as a common nuisance. He was in favour of affording recreation to his fellow-creatures of all classes, but he would never subscribe to perpetuate such an unmitigated humbug as this. He would not be any party to a gross and wilful breach of faith; and, as he valued the cause of native industry, and preferred the interests of his own countrymen to those of foreigners, he would give his decided opposition to the Motion.

LORD JOHN MANNERS said, that, although the hon. and gallant Member who had just sat down had passed some severe strictures as to the utility of what had taken place in the Crystal Palace, the fate of which was then under consideration, yet he must decline upon the present occasion to enter upon the question of the merits of that great Exhibition. Neither did he think that the hon. Member for Montrose (Mr. Hume) ought to be offended by his (Lord J. Manners) declining to refer to the earlier acts of the life of that hon. Member, in which he endeavoured to call the attention of the House to measures calculated to promote the education as well as the innocent recreations of the people. The House well knew the services which the hon. Member had rendered in that respect, and those services he (Lord J. Manners) was quite convinced were duly appreciated by every one. But his present object was to state, as shortly as he could, the reasons which induced Her Majesty's Government to think that those engagements under which the Exhibition was established, and the building was erected, namely, that when it had served its purpose, the building should be removed, ought now to be adhered to. As the first and foremost of these reasons, he placed the notorious fact, that, had it not been for the strong and solemn nature of those engagements, there was at any rate a great probability that the building never would have been erected at all. Hon. Gentlemen naturally enough had been carried away by the great and almost unexampled, and, he believed he was not wrong in saying, unexpected success of the enterprise, and they were apt to forget the obstacles and difficulties which, in the first place, interposed themselves in the way of those who wished to originate the palace. He was now speaking in the presence of many of the Royal Commissioners, and he believed they would admit that he did not exaggerate when he said that, had it not been for the solemn and positive engagement which the hon. Gentleman (Mr. Heywood) now called upon the House to disregard for the sake of a pecuniary compensation to be guaranteed to a body of respectable individuals, those difficulties and those obstructions would have been especially, he believed he might say, perhaps, fatally, increased. Now, let him ask what were the terms of those engagements? By the Royal Warrant, dated the 11th July, authorising the Royal Commissioners to enter upon a piece of ground in Hyde Park, for erecting a building for the Exhibition, the following engagement was imposed:—

> "That the said buildings and erections which may be erected on the said site or piece of ground hereinbefore described as aforesaid, and all the materials and contents thereof, shall be completely removed and carried away by and at the sole expense of the said Commissioners on or before the 1st day of June, 1852; and that on or before the said 1st day of June, 1852, the said Commissioners for the Exhibition of 1851 shall, to the satisfaction of the Commissioners for the time being of our Woods, Forests, Land Revenues, Works, and Buildings, restore the soil and surface of the park to its form before any part thereof was enclosed by the said Commissioners, ready for sowing with grass seeds, and to sow the same."

In the deed of covenant for carrying out that undertaking, the parties engaged to observe and perform—

> "All and every the directions in respect of the premises which shall from time to time be given to them by the said Commissioners for the time being of Her Majesty's Woods, Forests, Land

Revenues, Works, and Buildings; and especially will, on or before the 1st day of June, 1852, take down and remove, or cause to be taken down and removed, all and every the buildings and erections, building and erection, which shall be built or erected upon, or within the said site or piece of ground mentioned and described in the said Royal Warrant of even date herewith, and delineated in the plan drawn in the margin thereof, and the materials thereof, and the implements employed in erecting the same, and all and every the articles or article, of whatever nature or kind, which shall or may be brought to or upon the said site or piece of ground for the purposes of the said Exhibition; and will, at their own expense, in all respects restore the soil and surface of the said park to the form in which it was previously to the said Commissioners for the Exhibition of 1851 enclosing any part thereof, ready for sowing the same with grass seeds, and to sow the same."

Nor was this all. In the preliminary discussions and arrangements which took place between the Royal Commissioners on the one hand, and the Commissioners of Woods and Forests on the other, he found this condition:—

"That the Exhibition shall be closed on or before the 1st day of November, 1851, immediately after which all possible despatch will be used in clearing out the contents of the buildings, taking them down, and removing the materials and reinstating the ground, &c., within seven months from the time of closing the Exhibition; and, in the event of failure in the fulfilment of this engagement, that it shall be competent for the Commissioners of Woods, &c., to remove the same, to dispose of the materials, and to apply the produce in reimbursement of the expenses incurred in such removal."

But so strong was the understanding at the time that the building was to be removed after the temporary purposes for which it was intended should have been accomplished, that he found the Secretary of the Royal Commissioners writing in their name on the 27th of June, 1850, the strong objection which the Commissioners entertained to the insertion of such a condition, on the very ground that the intention of the parties to act in the spirit of the condition was so notorious that it was surplusage and absurd to put it in any more stringent manner than it had already been agreed upon. The words of the Secretary were—

"With regard to the condition that the Exhibition shall be closed on or before the 1st of November, 1851, and that the whole building shall be removed and the ground reinstated within seven months afterwards, the commissioners cannot but express their regret that it should have been thought necessary to require a stipulation of so minute a character after the public assurances which they have already given, that the building should be of a strictly temporary character, and should be removed immediately after the close of the Exhibition. They have now only to add, that they hope to close the Exhibition and to remove the building long before the period assigned in the condition, and that their reason for naming so comparatively distant a day has simply been to prevent the possibility of a misunderstanding, should any unforeseen circumstances prevent their closing at the time now contemplated."

Having now called the attention of the House to these admitted and notorious facts, he did not know whether it was worth while for him to refer to the language used in the various debates which had occurred in that House on the subject by the noble Lord the late Commissioner of Woods and Forests, and by certain hon. Members who were more particularly interested in this great and important undertaking. Both the noble Lord, then at the head of the Government, and the late hon. and learned Attorney General, most emphatically and distinctly declared that the public faith and pledge given to the House and the country with respect to the removal of the building, would indisputably be maintained. Even admitting that the retention of the Crystal Palace on its present site might be as advantageous as the hon. Mover of the present proposition stated it would be for the objects he had in view, still he (Lord J. Manners) contended that that would be greatly outweighed and overbalanced by the evil which would result from so manifest and flagrant a violation of public faith and public engagements. Occasions might again arise when, for some great temporary purpose, it might be advisable to alienate for a certain time some other portion of the Royal or public domains, or some great public building or institution; but would the objection to such temporary alienation be strengthened or diminished if the House should now take the course which the hon. Member opposite invited it to pursue? He was not prepared to admit that by retaining the Crystal Palace in its present position, we should secure to their full extent the advantages described by the hon. Gentleman. He was not prepared to do so for two reasons, the first of which was based on the nature and character of the building, and the second on the site which it now occupied. It was admitted on all hands, and by no one more freely and cordially than by himself, that the building was admirably adapted for the purpose it was intended to serve. The hon. Gentleman who made the present Motion had laid some little stress on that fact; but he (Lord J. Manners) should say, that the circumstance of the building having been so well adapted for purposes of a purely temporary nature, constituted a strong *à priori* argument against its retention for a permanent purpose. If a lady of fashion gave a great entertainment, and erected a tent leading from her drawing-room window for the purpose of a ball, she did not, after it had answered its purpose, propose to convert that tent into a nursery, cowhouse, or stable; but, if she wished for any of those, she had a suitable building erected. The most shortsighted and most extravagant course of proceeding in the long run was to endeavour, if they had a building for a temporary purpose, by tinkering and altering it to pucker it up, and make it serve some permanent object, different from that for which it was originally destined. He believed that it had been admitted by all the witnesses examined favourable to the retention of the Crystal Palace on its present site, that great and essential alterations would be necessary before it could be adapted to any permanent purpose. Sir Charles Fox caused it clearly to be understood that, in his opinion, a new roof and a new floor would be requisite if the building were converted into a permanent building. And he proceeded to say—

"Then, supposing the building could be purchased at an expense of 45,000*l.*, I believe if it were intended to make it a permanent structure it would require some alterations, would it not?—I should advise some alterations in the roof of it, certainly. The glazing was done under such extreme pressure for time, that I should be disposed to reglaze it; and if it were determined to reglaze it, I think in all probability the main gutters of the building ought to be lined with lead or galvanized iron, whichever was considered the best mode; but I have not very carefully considered it.

"Then, if it were converted into a winter garden, there would be large alterations in the floors and galleries, and the timber that would come out of those floorings might be sold for a considerable sum, for a credit against other expenses."

Mr. Dilke, who also was favourable to the retention of the Crystal Palace, thought that there must be a new roof; and said—

"A further sum of 20,000*l.* or 30,000*l.* would, I believe, defray the expense of a new roof, substituting iron for the present main wooden gutter, and make it wind and water tight."

He now came to the intelligent and most successful designer of the fairy fabric, Sir Joseph Paxton. That gentleman did not disguise his opinion, that if he were asked to erect a building suitable to the purpose which the Mover of the present proposition had in view, he should prefer to erect a new and, in some respects, a different building. Sir Joseph Paxton said—

"If I understand your Lordship to ask whether I could make a better building, if I had to make another for the purpose, I tell you distinctly I could—very much."

Sir Joseph Paxton was also for a new roof, as appeared from the following evidence:—

"Suppose you were asked by the Government to give them a plan for a covered garden for the parks on a large scale, you would make it with a wooden roof?—Oh, most undoubtedly; not exactly like the Great Exhibition building, because my notion of the stability of one of these great buildings is this, and what I intended for the Great Exhibition building is this, namely, that all the sinews and everything connected with strength, should be iron or metal; that, in fact, the outline of the building should be like this table, and the covering of glass and wood like the table cloth spread upon it, so that you could renew it at any time and in any manner you liked, and so that when anything happened to it, you could repeat and constantly keep it up; that is my notion of it. Now, in the Great Exhibition building they did not carry that out to the extent of my wishes; there is wood in some places where there should be iron.

"There is a great deal in the building that might have been better done otherwise, but there is nothing there but what was done to get it completed in the time?—In my plan I made metal gutters underneath to carry the water away from the other gutters. That is essentially carrying out the principle of making the whole stability of the building and the connexion of it of metal; and then the other wooden gutters were to carry the water into these; and that is the way I should execute a building of this extent if I had to do it to-morrow morning.

"You would have the skeleton of iron?—Yes.

"The skeleton of the roof should be of metal?—Yes, that part that carries off the water."

Sir Joseph Paxton also said—

"I think for 25,000*l.* in addition to that 126,000*l.* I could put you up a much finer, a more magnificent, and more appropriate thing than the Exhibition building."

Mr. Hawkins was examined as to the probability of the building becoming a depository for certain articles which had been mentioned in the course of the present debate as being likely to be placed in the building, and he gave his decided opinion that the building was not suited to such a purpose. Mr. Hawkins' evidence was as follows:—

"Upon the whole, you think the Exhibition building could not be adapted, without a total alteration of its character, for the purpose of receiving antiquities?—I cannot myself believe it would save one single sixpence in expense in the adaptation; in fact, it would be as costly as an entirely new building."

Mr. Cole was of opinion that, for a temporary purpose, the building might be made great use of for the stowing away various objects of art, for which there was not sufficient space elsewhere; but he stated, in answer to the question—

> "Assuming it were advisable to have a depository in which there should be collections of machinery, collections of mineral products, and collections of articles which are matters of trade and commerce between one country and another, do you not suppose that wherever these are collected there must be rooms for attendants to stay with them, and give information to persons who came there for the purpose?—Unquestionably; and I would not have it supposed that I think the present building is by any means the most suitable place; but you have got the present building, and the sympathy of the people with the subject; you have got the covered space; and temporarily I would take all the advantage I could of those circumstances."

Mr. Cole further gave an opinion which seemed to imply this meaning, that the very unfitness of the building was a reason why he thought it might be used for the purpose advocated, in order that the feeling of the people might be raised against the bad accommodation afforded to the valuable articles stowed in the building, and that a great and permanent structure might be raised elsewhere. This appeared from the following evidence of Mr. Cole:—

> "Then, if I understand, you would establish it in the present Exhibition building, with such a consciousness that it is unfitted for it, and that the outcry of the public would lead to a better? —That is a little stronger than I put the case; but I am prepared to say that the present building is a great deal better than none; and the more its imperfections were seen, and the public interested in the subject, the more eager they would be to support the preparation of a better building."

Well, then, he might fairly assume that the character of the building itself was such as to render most essential alterations necessary before it could be converted into a building suitable to the purposes which the hon. Gentleman (Mr. Heywood) had in view. When he (Lord J. Manners) came to consider what those multifarious proposals were, and what were the purposes which had been put forth at public meetings, in order to stimulate this popular agitation on the subject, he was overwhelmed by their extravagant and contradictory nature. It had been proposed to convert the Exhibition building into a ball room. ["No, no!"] Having taken considerable interest in this subject, and read the speeches of hon. Gentlemen out of doors, and the evidence before the Commission, he must be allowed to make that assertion; and Sir Joseph Paxton himself was more delighted in contemplating the balls to be given in the building, than perhaps almost any other person. Sir Joseph Paxton gave way to a rapturous exclamation of delight on the subject of the balls that might be given in the building, and stated—

> "If well lit up, it would be an enchanting place at night; all the statuary and plants would show off extremely well; it would be most perfect; it would become an illusion almost. I only wish you would let me have the building to give a ball or two in it for the charities of London; you would see how I would light it up."

Consequently the lighting would have to be provided for as well as the new roof. Among the various purposes to which it had been proposed to apply the Exhibition building, it had been recommended to convert it into a ball-room, into a covered ride, into a lecture-room, into a statue gallery, a garden, a forest, a casino, and last, not least, it was, on the only day on which the working classes of the metropolis really could have access to it, to be turned into a congeries of preaching houses, for the different religious communities into which the country was divided. This brought him to the second reason why he thought the retention of the building on its present site would not be advantageous to the working classes. At one of these late public meetings an able speech in favour of the retention of the building was delivered a few days ago; but the speaker evidently felt that if the building were retained on its present site, and free access allowed to the working classes, it must necessarily be open on the Sunday, and, therefore, to meet the objection against its being open on that day, he proposed that the liturgy of the Church of England should be repeated in one corner, and that every class of dissent in the metropolis should have appointed preaching rooms in other corners of the building. Now, this was an important view of the question, and he begged hon. Gentlemen to make up their minds whether they would consent to open the building on Sundays or not, for if it were intended to close the building on Sunday, then he maintained, that as that was the only day when Hyde Park was accessible to the working classes, they would virtually close some twenty acres of that park which had been from time immemorial in the enjoyment of the working classes against those classes. If, on the other hand, they proposed to throw open the building on Sunday, then they took the first step, and it might be described as a stride, to introduce into this country the Continental method of observing the Sabbath. Let the House not overlook the magnitude of this portion of the question—Sunday was the only day on which the masses of the people flocked to Hyde Park. The hon. Gentleman had truly said they were toiling all the week from Monday to Saturday, but he would ask the hon. Gentleman was it his opinion that those hard-worked people would toil through the many streets leading to the building on any day but Sunday? Ladies living in Belgravia or Mayfair might think the present site a very good one; but he would say that far above the wishes of the upper or the middling classes, he ranked the feelings and the wants of the lower classes—of the masses of the toiling population. The hon. Mover of the present proposition said that the feeling of the middle classes was unanimous on this question; but he (Lord J. Manners) believed that assertion to be most unfounded. Just before he came down to the House, two petitions were placed in his hand, both from tradesmen in Oxford-street, one in favour, and the other against the retention of the Crystal Palace; and, as far as he could judge, the numbers were within five of each other. With the exception of the Exeter-hall meeting, there had hardly been a meeting called in which respectable inhabitants and tradesmen of the district had not risen and opposed the retention of the Crystal Palace. Though remarkable efforts had been made to induce the people of the metropolis to believe that between the retention of the Crystal Palace on its present objectionable site, and its positive and permanent demolition, there was no middle course, he asserted that to be a most material variation and departure from the truth. In considering this question, he was most anxious to find out what site would afford to the great mass of the working people the freest access on a half holiday or summer evening. The first element which came into the consideration was that old highway which in former days was the favourite resort and chief means of communication for the nobility, and which now afforded the cheapest and readiest and most popular method of transit to the working people—namely, the River Thames. What facility, in respect to conveyance, did the site in Hyde Park afford to the mass of working people toiling in the remote nighbourhoods which constituted the hives of industry? None of any consequence. On reading a paper prepared for a different purpose, and which, therefore, could not be suspected of being made out to subserve the purpose for which he was now using it, he was struck at finding that the distance from Lambeth-stairs to Battersea Park was traversed by steamboats in sixteen minutes, from Blackfriars Bridge in thirty-four minutes, from Southwark Bridge, in thirty-eight minutes, from London Bridge in forty minutes, and from the Thames Tunnel in fifty minutes. Now the districts he had named were points surrounded by a large population of working people; and, if the Docks, Limehouse, Deptford, Greenwich, and Woolwich were also considered, he asked if a site immediately contiguous to the river was not more available to the working classes of this metropolis than Hyde Park? The paper to which he referred most truly said, with respect to the site at Battersea—

> "As an indication of the number which the park would benefit, it may be stated that the passengers carried by one steamboat company only, between London Bridge and Kew, amounted last year to 6,000,000, of which about 500,000 were passengers to and from Kew, and the rest were passengers to and from the several piers between London Bridge and Battersea Bridge."

Under these cirumstances, he believed, if arrangements could be made to place the Exhibition building with a river front in Battersea Park, such an arrangement would be more advantageous to the working classes, than to retain it where it then stood. It must be borne in mind, that unless they afforded to the new parks they were creating, some attractions to induce the people to frequent them, they would be merely throwing money away. He rejoiced to say that in Victoria Park the cricket-ground and bathing-place had attracted large numbers of persons; and he hoped to be able to provide for the bathing-place by the next bathing season, a still ampler and purer supply of water than they had hitherto enjoyed. He was also happy to hear that some benevolent individuals in the same locality were getting up a building for the reception of works of art, and curiosities, which would prove highly attractive and instructive. And he thought that they would do well if they would place in Battersea-park a great and attractive building. He had not heard any dissatisfaction expressed at the removal of the building; but all he could say was, that should it be deemed unreasonable to compel its instant removal, any facilities which could be afforded to the contractors or the purchasers should not be withheld by the Government. He had already indicated that he did not meet this Motion in a hostile spirit, and he would state that any facility for erecting the building on a site such as was more suitable, would be cheerfully accorded by Her Majesty's Ministers. He had been informed by a first-rate authority that the building had been already purchased—that the purchase-money had been lodged in the Bank—and that the purchasers were anxious to communicate with Her Majesty's Government on the subject of a site, and the purposes to which the building should be applied. He could only say he would give his co-operation and sanction to any mode that could be suggested in accordance with the views he had expressed; and he trusted the building would be erected on a happier site, where, untarnished by the recollection of broken public faith and violated public honour, it would conduce to the recreation of the working and toiling classes of this great metropolis. As to the charges which had been so unscrupulously levelled against the Commissioners, he could only express his regret that such charges had been made against Gentlemen who had acted with every desire to come to a just resolution. In conclusion, he must ask the House to reject the Motion as unnecessary, inasmuch as the subject sought to be referred to a Committee had been fully and fairly investigated by a Commission—inasmuch as the object sought to be attained could only be granted by a flagrant violation of public faith—and inasmuch as every good object to be gained would meet with the cordial sympathy of the new possessors of the building and of Her Majesty's Government.

Mr. TENNYSON D'EYNCOURT said, he could not avoid saying that he felt considerable surprise in listening to the speech of the noble Lord in reply to the stringent arguments advanced by the hon. Gentleman who had brought forward this Motion. The noble Lord having stated that he did not meet the Motion in a hostile spirit, expressed every objection, not only of his own, but of others, against the continuance of the building on its present site, alleging, amongst other things, that it would be injurious to public morals. Yet, nevertheless, the noble Lord was in favour of placing this building in another part of the metropolis, where the poor would herd by themselves, and not have the advantage of meeting the upper classes, in order to be benefited and refined by intercourse with them. Now he looked upon it as one very great advantage of an establishment of this kind that it did produce a sympathy and communication between all classes of the people. During the continuance of the Great Exhibition, when there was more than 1,000,000 congregated every month within the walls of the building, there was not a single instance of anything like a breach of good manners; and the instances of crime were so slight as to be scarcely noticed. Of disorders there were none. There was no complaint of personal indignity—none had been offered; and he put it to the House whether they did not think there was great advantage, upon every ground, from bringing the masses of the people into communication with the higher orders. But what did the noble Lord propose? Why, to carry the building to Battersea. Now the noble Lord might think when he made the proposition, that it would be very acceptable to his (Mr. D'Eyncourt's) constituents, as it would much favour their interests if this plan were adopted. But he begged to tell the noble Lord that his constituents had too much public spirit to desire this monopoly. They would much rather the building was continued in its present position, in order that it might be of advantage to the whole of the community. The noble Lord said he thought that the late Government were pledged that the building should be removed, and of course if that were so, the present Government were also bound by that pledge. He waited with great curiosity to hear what documents the noble Lord could produce to prove his assertion. What were they? Why, the documents referred to were papers and agreements between the Royal Commissioners and the Government contractors. But there was no pledge to the public and the House; and the public would expect from the noble Lord a statement as to when and where the pledge was given. The right hon. Gentleman below him (Mr. Labouchere) seemed to intimate that some such pledge was given. No other pledge was given than some statement in that and the other House of Parliament; but what was the opinion now of the noble Earl (the Earl of Carlisle) who was referred to as having so given such a pledge? That statement was made when it was contemplated to make the building of bricks and mortar, and of an unsightly character; but in the

Times of yesterday the noble Earl, in a recent letter, was stated to have said—

> "The destruction of the Crystal Palace would be as perverse and senseless an act of Vandalism as could be perpetrated; when it was capable of affording enjoyment to such large masses of the people it would be a very wise and ungracious act on the part of the Government and the aristocracy to insist upon it."

That was the statement of the noble Earl who was at the head of the department of the Woods and Forests when the arrangements were made between the Government and the contractors. Could they have a higher authority as to what were the views of the late Government, and as to the propriety of retaining this beautiful building? The noble Lord then proceeded to tell them that the building would require great alterations; that it would require a new roof; that the glass would require continual repair. Now, with all that they had nothing whatever to do: that would be the duty of the new contractors. If the noble Lord had to mend the glass out of Government funds, he could understand and see some force in the objection; but as it was to be placed in private hands he did not see that it was applicable in the least degree. It was proposed to take the building out of the hands of the Government altogether. Then the noble Earl said he was supported in his views by the evidence of Sir Joseph Paxton. But Sir Joseph Paxton stated in the paper which he held in his hand that his evidence had been misunderstood, and that if it were not, the supposed inferences could not be fairly drawn from it. Sir Joseph Paxton also brought the very grave charge against the Commissioners of withholding from him alone, of all the witnesses, an opportunity of revising his evidence, although he applied for it personally upon two occasions, and once sent for it. With respect to the uses to which the building would be applied, he thought the names of the proposed trustees a sufficient guarantee. He would read them. There was the Duke of Devonshire, the Duke of Argyll, the Earl of Shaftesbury, the Earl of Carlisle, Lord de Mauley, Viscount Palmerston, Lord Londesborough, Baron Meyer de Rothschild, and Mr. Peto. There had been evinced on the part of the public out of doors an anxious desire to continue this building. The noble Lord said that there were propositions made at the meetings to which he had alluded for adapting the building to objectionable purposes. It was, however, his (Mr. D'Eyncourt's) impression that no such propositions were made. The noble Lord also said that at all these meetings there were many persons found to dissent from the policy of maintaining the building. But at these meetings the number of dissentients had been counted. They were altogether only fifteen in number: eight in Westminster, and seven in some other place. The people of this country, and of this metropolis, required some means for moral recreation. The working man required some place where, after the toil of the day, he could take his wife and children, where they might be amused as well as instructed. Deprive him of this opportunity, and they drove him to licentiousness; to accomplish, then, an object so desirable, he thought the present building was well adapted, and he would therefore vote for the Motion of his hon. Friend (Mr. Heywood).

Mr. LABOUCHERE said, that he did not wish to detain the House from coming to that division which they seemed so anxiously to desire; but he felt, from the position which he formerly held, he ought not to give a completely silent vote upon this subject. It was said that the Government were incurring a certain degree of unpopularity by the course they were pursuing upon this subject. Now, he wished to say that he was willing to take his share in that unpopularity. The question presented itself to his mind as one of good faith. His right hon. Friend (Mr. D'Eyncourt) had asked when and where the pledge had been given to remove the building. His (Mr. Labouchere's) reply was, that the pledge was given to the public when permission to erect the building was sought, that it was only for a temporary object, and that when that temporary object was accomplished it should be pulled down and the Park restored to its original condition. That pledge was given at a time when there was much unwillingness upon the part of the House to allow the appropriation of the Park to the purpose. It was upon the strength of that most solemn pledge that leave was ultimately granted. He was one of the Members of the Government who gave at that time the assurance to the House, and he felt that he was only redeeming that pledge by resisting the present Motion. Now he did not mean to say that the pledge thus given to the public might, should the public so desire it, be held as never given. Nor did he pretend to the absurdity that any Government or any

Parliament would be bound to abide by such a pledge should the feeling of the country be opposed to it; but he must confess that having watched with great interest the expression of public opinion upon this subject, although he was not prepared to deny that many respectable persons were in favour of the retention of the building, yet he did not consider the sentiment was so general and so universal as to release them from the engagement which they had made. He well remembered that at the time the building was proposed, many persons who thought their property jeopardised by the scheme said to him, "Depend upon it, that the building once up, some pretext or other will be found for keeping it." And he well remembered, too, that his answer was, "You have the pledged faith of the Government and of Parliament that the building, when the precise purpose is accomplished, shall be removed;" and he felt bound to these persons, among others, to take care, so far as in him lay, that the compact so made should be fulfilled. He protested against the question being twisted into a question of public relaxation. It was, therefore, incumbent on him to remind the House that it was upon the strength of the compact that was entered into that the building had been erected, and that the means of instruction and recreation had been placed within their reach. And if, when occasion requires, something of the same kind was desired, there might be danger that the breach of faith of which they would now be guilty would be remembered against them. The hon. Member for Montrose (Mr. Hume) adverted to his efforts for the promotion of the intellectual improvements and the rational enjoyments of the people. He, like the noble Lord (Lord J. Manners) paid a willing tribute to those exertions. The hon. Gentleman was the advocate of such institutions when it was not so fashionable to be so as it was now; and some of the most honourable parts of the career of the hon. Gentleman were associated with these exertions. If there was a unanimity in favour of the retention of the building, he did not believe there was a Member in that House who would not be prepared to record his vote in its behalf. As to the good conduct of the people, no one who witnessed the Great Exhibition could doubt that the British public were beyond the public of any country in the world in the manner of knowing how to conduct themselves. He thought it the most gratifying scene in his whole life, even beyond that wonderful display which was the admiration of all nations; and as an Englishman, he felt proud to see the orderly demeanour of his countrymen upon that memorable occasion, when they were collected by thousands. He thought their bearing and behaviour was a much finer sight to foreign nations than those marvels of art which were contained within the walls of that wonderful palace. He did not think any further inquiry was requisite. The late Government had done all in its power on the subject; it had issued a Commission to inquire into the whole matter, and he was prepared to express his conviction that the Commission was in every respect a most competent and fitting Commission. Various attempts had been made to throw discredit on that Commission; but he was perfectly satisfied that its inquiries had been conducted in the fullest and fairest, and most impartial manner. His noble Friend the Member for Totness (Lord Seymour), the official guardian of the people's parks, might have his prejudices, but there were other members on the Commission — Sir William Cubitt and Professor Lindley, who assuredly were not men very likely to be partial against the continuance of the building. He should, for these reasons, vote against the Motion; and he trusted the House would, for the sake of all parties, effectually decide the question without further delay. There was no sort of occasion for further inquiry. The question had been thoroughly investigated already. The removal of the structure from its present site was imperatively demanded for the sake of the public faith; but its removal need in no degree render it barren of future results. There were no doubt ready the capital, ingenuity, and skill to re-erect this marvellous edifice on some eligible site, where its retention would involve no imputation on the good faith of the Government and Parliament of this country.

Mr. G. CAVENDISH said, that the noble Lord opposite (Lord J. Manners) had very much misrepresented Sir Joseph Paxton. It was never the intention of that gentleman that the Crystal Palace should be applied to one-half the purposes which he had so glibly enumerated. Sir Joseph Paxton's view was, that it should be converted into a winter garden; and if he had the opportunity granted to him he would lay it out in such a manner that it should be a satisfaction to even those who were opposed to him. Any pledge which had been given, the public were ready to absolve. The opposition to the Crystal Palace arose from a learned Judge, and a few builders who had erected houses in the neighbourhood, and who thought that their property would be deteriorated; but he believed that they had no more claim to the consideration of the House than any gentleman who opposed a railway running near his house.

Mr. MACGREGOR said, that the unanimous feeling of the public was that the Crystal Palace should not be pulled down. The pledge to destroy the building was given under circumstances which were quite different from the present, and the feeling of the country absolved them from any necessity in adhering to it. To construct the building in the Park without the consent of the people was a trespass upon their rights; to pull it down without their consent was also a trespass. He implored the House not to act in open hostility to the wishes of the people, who would consider it an act of social exclusion were they to destroy this beautiful building. [*Cries of* "Oh, oh!"] They might cry "Oh!" but the people out of doors would not sympathise with their ohs. Let them pull down the Crystal Palace, and they would commit an act of barbaric Vandalism which the country would not soon forget. The public feeling upon this subject was strong out of doors, and the Government could not do anything more unpopular, more dangerous, and more prejudicial to the aristocracy of the country than to persevere.

Viscount PALMERSTON said, he wished in a few words to state the reason why he should vote for the Motion of his hon. Friend. He thought that no man who went to see the Great Exhibition of last year could have failed to be struck with the reflection that, however wonderful and worthy of admiration were the multitude of productions in industry and art which were contained in that Exhibition, there was nothing within the building to compare with the building itself as an object of admiration to all who saw it, or help regretting that a building so extraordinary in itself, of which it might be truly said that there was nothing like it in the whole world, or to compare with it, should be pulled down when the temporary purpose for which it had been erected should be accomplished. He thought this same sentiment must also have inspired every man who, since the closing of the Exhibition, had from time to time passed by that wonderful fabric; every such man must have felt a wish that some purpose could be devised to which its permanent enduring could be safely applied. In thinking over the purposes to which it might be so applied, many of those purposes which had been stated by hon. Gentlemen in that evening's debate had occurred to him as reasons why the building might be continued for the use and benefit of the people of this metropolis, and of the country at large. Hundreds and thousands of his countrymen had enjoyed during the period of the Exhibition amusement and instruction from an inspection of the things which were exhibited in that crystal building; and he could not see that it would not be possible so to arrange the interior as to make it the scene of a future exhibition, not perhaps so extensive in its range, but still materially contributing to the amusement, enjoyment, and instruction of the various classes of society, not confining his contemplation to the humbler classes, but to all classes, high and low. There might be difficulties in the matter, no doubt. There was one, which had been alluded to in the course of the debate—a difficulty arising from a pledge, or understanding, that it should be pulled down; but his right hon. Friend (Mr. D'Eyncourt) seemed to admit that were there a demand on the part of the public sufficiently strong—were the utility of retaining the building sufficiently demonstrated, that, in this case, the pledge, such as it was, need not be a bar to the retention of the structure. There seemed, also, to be some objection to the present site, and an opinion that some other locality about this city would be better adapted to the purpose. He might differ from these views, but there was matter for inquiry. It certainly appeared to him that not only the speeches which had been made in favour of the Motion, but those made against it, tended to the conclusion that it was a subject of sufficient interest and sufficient difficulty to justify inquiry. He hoped, therefore, that the House would not reject the Motion, but consent to inquiry, in order that the House might, on some future occasion, have fuller and more ample grounds on which to come to a decision as to the advice to be tendered to the Government, with a view either to the demolition or to the retention of this most extraordinary and most admirable structure.

Lord SEYMOUR said, that he was

reluctant to trespass on the House, but having been repeatedly alluded to in the course of the debate, he felt bound to say a few words on the subject. He could assure the House that he had had no other feeling upon this matter than a desire fairly and honourably to fulfil that engagement into which, as a Member of the late Government, he had entered. He need not refer to the speeches that were made in the year 1850; but he could assure the House that if he were to do so they would clearly perceive that unless the promise had been distinctly given that the building would be honestly and fairly removed, it would never have been allowed to be erected at all. The position that he had had the honour to occupy at that time, necessarily implicated his good faith on this subject more than that of any other man; for he received an application from gentlemen who had invested a large amount of money in the houses opposite this part of the Park, and when they told him that their great fear was that if the building was erected an excitement would be got up, and petitions would be easily manufactured, and that the very means that were used to make the Exhibition known to the country might be used again to retain the building: what was his answer to them? He told them that they had the highest pledge—they had the honour of the Prince, and the character of the first nobility of the country—that he (Lord Seymour) considered the honour of the Commission was pledged to the removal, and could not for a moment doubt but that it would be removed. What was the case of these parties when they came to him, for it had not been fairly stated to the House? Some years ago, it might be remembered, there was a low range of dirty old buildings, with a public-house near, where the Prince of Wales's gate now stood. The Government of the day were anxious to remove these buildings, and communicated with the parties owning the land opposite for the purpose of inducing them to join them in purchasing them. These parties entertained the proposition, and subscribed a large sum of money in order to have a full view of the Park from their property. That being so, he asked whether, having accepted their contributions towards a public improvement, and allowed these persons to invest their money, and to spend nearly 200,000*l.* in building houses there, it would now do to turn round and block up the view of the Park from their property by a permanent obstruction like this huge building? That he thought would be a dishonest transaction, and one to which no individual Member of that House would consent in regard to his own property: why, then, should they sanction a proceeding on behalf of the public which every Member would reject in the case of his own land? He confessed it was with surprise that he had heard a letter from the Earl of Carlisle referred to in that debate; for the noble Earl was a party to the engagement to have the building removed, as he himself fairly and honestly acknowledged in the opening of his letter—that opening which the right hon. Member for Lambeth, although he read the latter part, had omitted to quote to the House. But, although the noble Lord might say for himself that he could not appear to take a part in the proceedings for retaining the building, he yet did not mind writing in their favour. For his (Lord Seymour's) part he did not understand the casuistry which could allow the noble Earl to take an indirect mode of doing that which he could not openly do. If he was under the engagement, he ought not to have written the letter; if he was not so bound, he might have attended the meeting, and taken a part in the proceedings. Although he (Lord Seymour) thought the Commissioners who were bound to remove the building, had acted with perfect good faith in this matter, yet their conduct and character were somewhat compromised by the proceedings of their architect; for Sir Joseph Paxton, having been the architect and agent of the Commission, had sent round the whole of the country to try and defeat the obligation of the Commissioners. A Commission of Inquiry was appointed last December, on which were the names of Sir William Cubitt and Dr. Lindley, and no one was better qualified to speak on the capacities of the building than Sir William Cubitt; and certainly no one could better judge of the botanical question than Dr. Lindley. Sir Joseph Paxton had complained, it appeared, that he had not been allowed to correct his evidence. As soon as he knew of that complaint, he (Lord Seymour) asked of the secretary at the office what was the real fact of the case, and the secretary told him that a copy of Sir Joseph Paxton's evidence had been sent to him at Chatsworth for correction, in the same manner as the evidence of all other witnesses had been sent to them, and not only so, but as soon as it was known that the copy of the evidence had not been received, or had been mislaid, the secretary offered to send him another copy, and after that nothing more was heard about the matter. But, as regarded Sir Joseph Paxton's evidence, the material facts of his evidence did not turn upon figures. The figures he would sooner take from the contractor, who was better able to tell what the value of the building was, and what would be the cost of keeping it in repair, than Sir Joseph Paxton, because he had superintended all the work of its construction. And what had Sir Joseph Paxton stated, not in evidence, but in writing? Why, that the permanent maintenance of the Exhibition building, instead of costing 12,000*l.* a year, would cost 20,000*l.* But that would not perhaps be of much consequence, because the building was to be rendered self-supporting. On that point he had made some inquiry of the best witness upon this part of the subject, namely, Mr. Cole, and he said that if it was to be self-supporting, it was indispensable that it should be opened at night as a place of recreation. Then, again, the building was to be under the management of certain trustees. The former Commission was appointed under a Royal Charter with the Royal Sign Manual; but this Commission was appointed at Exeter-hall by Sir Joseph Paxton, who declared that they were to be trustees for the people—interfering with the Royal Parks, and taking permanent possession of some twenty acres. It was impossible that the Royal Parks could be dealt with in that way; they could not be touched but by an Act of Parliament; all the resolutions of that House would be powerless; and unless an Act of Parliament was passed to the contrary, the ground must be given back to the public. But they were told it was most desirable to maintain the building for the education of the people. Now, last year he obtained, with the unanimous consent of all parties, a Vote of that House for the purposes of establishing lectures on practical geology at the Geological Museum in Jermyn-street, and that project had succeeded admirably; lectures were also given, at a mere nominal charge, for working men, and these lectures were well attended; therefore it could not be said that he was opposed to the education of the people. But then they were told the building was admirably adapted for a "trade collection." Now, these trade collections were very apt to degenerate into bazaars; and although the goods sent there would not be sold, yet the owners would tell those who wished to purchase that they would send other specimens just like them to their order. But he would ask them to contribute to that trade collection one article, a sample of which, he would answer for it, would compare with anything they could obtain from any firm to adorn it—he meant a sample of the good faith of this country—which had always been the basis of our national greatness and our commercial prosperity. The building would not answer for lectures without extensive alterations: lectures had been tried and found to fail even at the Exhibition. But then it was proposed to convert it into a general warehouse until some fitter repository for a trade collection should have been provided. They were asked to apply twenty acres of a public park to the purposes of a warehouse. For his part, he trusted the House would now at once reject this Motion, and so settle the question for ever.

Mr. WAKLEY said, the noble Lord who had just spoken appeared to be influenced by a very strong feeling. He (Mr. Wakley) had also a very strong feeling, but he had made no pledges; and if the noble Lord had made a pledge which he could not maintain, in consequence of the power of Parliament, morally he would commit no sin. ["Oh, oh!"] This was a pledge for destruction; but suppose it had been a pledge for protection, would the article "good faith" then be so worthy of admiration? The noble Lord the First Commissioner of Works stated that the edifice would be the scene of much immorality if it were retained in Hyde Park, but that it might be removed to Battersea. Was morality a matter of geography? What kind of animal did the noble Lord suppose existed at Battersea? Some extraordinary monstrosity, he supposed, because the noble Lord said Government would give them their countenance. If it were a zoological collection, he admitted that the Government might supply them with some countenances curious enough. But, if it were to be an immoral thing in Hyde Park, and a moral thing at Battersea, that was a circumstance for the noble Lord to explain. What harm could such a structure as the Crystal Palace do anywhere? He assured the aristocracy that they had risen wonderfully in the estimation of the people since they had mingled with them at the Crystal Palace, and they deemed the place to be sacred almost in consequence of the associations with which it had been connected. Persons of all nations, all habits, all religions had assembled in that temple of universal peace, and had there forgotten all their national prejudices. They had witnessed such scenes as they had never seen before, and as the noble Member for Tiverton (Viscount Palmerston) had well said, of all that they had seen there was no feature that had been so deeply—so indelibly impressed upon their minds, as the structure itself. Much as the aristocracy had gained by what had transpired, he warned them that they would lose more in public estimation if they now demolished that building.

Mr. GEACH said, he should support the Motion, and repudiated, on the part of the promoters of the movement for retaining the building, any desire to usurp powers not legally and fairly conferred upon them.

Lord JOHN MANNERS could assure the House that the unmitigated nonsense which the hon. Member for Finsbury (Mr. Wakley) had been obliging enough to put into his mouth, with regard to "geographical immorality" had never entered into his mind. [The noble Lord, in explanation, then quoted a document, stating that the Exhibition building was about to be sold, and that an offer had been made for its purchase.]

Mr. GEACH said, that was perfectly correct, but the bargain was made contingent on that House not sanctioning its continuance in Hyde Park.

Mr. J. EVANS said, that he must maintain that it would be no violation of good faith to vote for the present Motion. The contract was made by the Royal Commissioners on behalf of the public, and if the public declared that the contract should not be carried out, it would be no breach of faith to follow its wishes. He must say he was surprised to hear the noble Lord the Member for Totness (Lord Seymour) speak of this Motion being tantamount to a breach of faith, seeing the noble Lord was at the head of a Commission the very object of which was to see whether the building should be retained or not.

Lord SEYMOUR said, when he undertook that inquiry the question of good faith was not at all included. It was entirely at the wish of the House that he undertook that inquiry.

Mr. ALCOCK, seeing that the present and the late Government were both opposed to the retention of the Crystal Palace in its present site, but were not adverse to its removal to another site, such as Battersea Park, thought an adjournment of the debate was desirable.

Sir ROBERT PEEL said, that the impressions which he originally entertained as, the advisability of retaining the Crystal Palace had been entirely changed. A short time ago he desired to see the Crystal Palace abolished, on the ground that the perishable material of which it was constructed might not be adequate to its preservation in this changeable climate, and that it might not ensure the permanency and durability of a public edifice. He should also dislike to see a building which had answered, and successfully answered, the magnificent purposes to which it was originally dedicated, desecrated to the ordinary purposes of gain, or given over to the hazardous intentions of speculators. He thought that, having fulfilled its mission, it might be abolished, and that it would be no act of Vandalism so to do; that, on the contrary, the fame and the reputation of the men who were engaged in it would not be affected by its removal. True, it would not exist in Hyde-park, recalling by association the splendours of the past, but it would exist in all their recollections as an imperishable monument, and these distinguished men might say—

> "Exegi monumentum ære perennius
> Regalique situ pyramidum altius."

He now admitted, however, that he had overcome all these objections, and he was now as strenuously determined to support its maintenance as he was before an advocate for its destruction. As much had been said about the good faith of Parliament, he would only say that that ought not to be a serious obstacle. Let hon. Members recall the history of Parliamentary pledges, and they would find that they were as ductile clay formed and fashioned by their own caprices. Only a few nights ago they had an instance of this. They had seen the noble Lord the Member for London (Lord J. Russell) show an extraordinary facility and a perfect grace in changing his opinion, by opposing a Militia Bill, in Opposition, which in office he had proposed. He would merely say further, that he would support the Motion now before the House, as he thought that by maintaining the building they would be promoting the interest and the welfare of the people, by affording them opportunities of moral, social, and physical improvement.

Mr. WYLD said, he believed no one could deny that it was desirable that there should exist in this metropolis a large edifice devoted to the reception of objects of art and of models of our mechanical skill. He hoped that, if even that Motion were rejected, the erection of such an edifice would not be lost sight of.

Mr. HEYWOOD, in reply, said, he would adopt the words of the Earl of Carlisle as expressive of the true state of the case, and say that nothing could be more unwise than for the aristocracy to insist upon the removal of the Crystal Palace. With respect to any injury that might be inflicted on private property by the retention of the Crystal Palace, he had no doubt that ample compensation would be given for it, if necessary; for there was nothing which Members of that House were more jealous of than injury to private property. The noble Lord the Member for Totness (Lord Seymour) had spoken of Sir Joseph Paxton as having nominated trustees to take charge of the building. The fact was, that all that he had done was to call upon certain eminent individuals who, at his request, had consented to act as trustees, if Parliament should choose to appoint them. Under all the circumstances, he (Mr. Heywood) must persist in dividing the House upon his Motion.

Question put.

The House *divided* :—Ayes 103; Noes 221 : Majority 118.

List of the Ayes.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Barrow, W. H.
Bass, M. T.
Bell, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. G. H.
Charteris, hon. F.
Clay, J.
Cocks, T. S.
Collins, W.
Conolly, T.
Craig, Sir W. G.
Crowder, R. B.
D'Eyncourt, rt. hon. C. T.
Duncan, G.
Ellis, J.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Foley, J. H. H.
Forster, M.
Fox, W. J.
Freestun, Col.
Geach, C.
Glyn, G. C.
Granger, T. C.
Greenall, G.
Greene, J.
Hall, Sir B.
Harris, R.
Hatchell, rt. hon. J.
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CASE OF COLONEL OUTRAM.

Mr. CHISHOLM ANSTEY moved for copies of papers and correspondence in connexion with the case of Colonel Outram. That officer having discovered the existence of corrupt practices on the part of several of the officers of the Bombay Government, had been removed from his situation, in order to stifle inquiry into the subject. What he (Mr. C. Anstey) desired was, the production of papers which would throw light on the transaction. The papers were now in the possession of the Board of Control and the Board of Directors, and they ought to be produced.

Motion made, and Question proposed—

"That there be laid before this House, Copies of the Papers and Correspondence concerning the investigations made by Colonel Outram, C. B., into the existence of corrupt relations between the Guicowar or his subjects and certain officers of the Bombay Government; and also concerning the removal of the said officer from his post of Resident at Baroda."

Mr. HERRIES said, that the hon. and learned Gentleman was entirely mistaken, if he believed that the Board of Directors and the President of the Board of Control were in possession of all the documents relating to this question. Not only had he (Mr. Herries) not had an opportunity of forming a judgment of those documents, but they had never yet come into his possession; and he doubted very much whether the Board of Directors, before whom they would have to be laid in the first instance, had yet had time to consider the case, and judge of its importance. Under these circumstances he thought that the hon. and learned Member was premature in moving for those papers; but he might rest assured that, whenever they should be in a fit state to be presented to the House, there would not be the slightest indisposition on the part of the Government to produce them. The charge of corruption against public officers could not be passed over.

Viscount JOCELYN trusted, that after what had fallen from the right hon. Gentleman the President of the Board of Control, the hon. and learned Member for Youghal (Mr. C. Anstey) would not press his Motion. He thought that the mode in which this Motion had been brought before the House, was hardly fair to Colonel Outram. The question was one which deserved the serious consideration of Her Majesty's Government when the papers were before them, for it was one on which the honour of our Indian Government was deeply implicated, and in which the natives were deeply interested. A charge of corruption had been made against a subordinate of the Bombay Government, and an inquiry having been instituted, he thought it was due to Parliament and the country, that as soon as the papers had been considered, they should be laid before the House.

Sir JAMES HOGG said, he must complain of the course which had been pursued by the hon. and learned Member for Youghal, in reiterating his accusations against the officers of the Bombay Government, and in again pressing this Motion upon the House, although he was informed by the Secretary of the Board of Control, when he brought it forward a few nights ago, that some of the papers which had arrived a short time ago were under consideration, but that the most material, including the memorial of Colonel Outram, had only reached England two or three days previously. He (Sir J. Hogg) could give the most positive and absolute denial to the statements which the hon. and learned Gentleman had made on a former evening, and repeated that evening. He (Sir J. Hogg) denied that any officers high in the service of the Bombay Government, if by that was meant civil and military servants of the East India Company, had ever been convicted of corruption, or had ever had it imputed to them. And the hon. and learned Member should know this, because he (Sir J. Hogg) had on a former evening read an extract from a letter of Colonel Outram's, stating distinctly not only that no such imputation had ever escaped him, but that he did not believe in its justice. Colonel Outram said—

> "I was made aware, during my official career at Baroda, that a belief existed that high officers of the Government were open to corruption, and that such belief was promoted by the native subordinates for their own interested purposes. Fully convinced there were no grounds for such dishonouring imputations, I laboured earnestly to trace out and bring to punishment the delinquents through whose corruption the good name of the British Government was tarnished."

It was an honourable avocation, and the gallant officer laboured in it zealously and successfully. He did bring the greater part of these miscreants to punishment. The case of the unfortunate widow, to which the hon. and learned Gentleman had formerly referred, was one of as great oppression and iniquity as ever occurred, even in the East; but the delinquents in that case were discovered by Colonel Outram and were signally punished. The whole proceedings of Colonel Outram were comprised in seven or eight folio volumes, irrespective of his memorial and his report on the allegations of corruption, which only came by the last mail. He had not yet, by any diligence which it was in his power to bestow, been able even to read Colonel Outram's memorial; but as soon as possible the Court of Directors would take it, and the documents appended to it, into careful consideration. Let the hon. and learned Gentleman bring forward distinct and specific charges against the officers of the Bombay Government by name, and he (Sir J. Hogg) would meet them; but he was not prepared to meet the dark and vague surmises and insinuations in which the hon. and learned Member had indulged. He would, however, tell him, that when public servants were discharging their duty honourably to their country, it mattered not at what distance, they would always receive a generous support from that House when they were unjustly assailed, and that, too, more particularly, without there being a document before the House to support the imputation.

Mr. SCHOLEFIELD said, that, in justice to his hon. and learned Friend the Member for Youghal, he should state that he had himself on a previous evening understood the Secretary to the Board of Control to say, not only that the documents in question had arrived, but that they were before the Board.

Mr. BAILLIE said, that he had then most assuredly been misunderstood, for he certainly stated that the papers had not reached the Board of Control, and that they had only reached the Court of Directors upon the day on which he spoke.

Mr. G. THOMPSON said, he must express a hope that, as soon as the public business would allow, these papers would be laid before the House, in order that they might be able to form a judgment for themselves upon the transactions to which they related.

Mr. CHISHOLM ANSTEY said, that after the statement made by the right hon. Gentleman opposite, he would not press the Motion, relying on the promise that the papers would be produced.

Motion, by leave, *withdrawn;* as was also a Motion of the hon. and learned Member relating to Indian territories.

The House adjourned at One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXX.

BEING THE SECOND VOLUME OF SESSION 1852.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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